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PROMOTION AND PROTECTION OF HUMAN RIGHTS

HUMAN RIGHTS DEFENDERS

Report submitted by Ms. Hina Jilani, Special Representative of the Secretary-General on human rights defenders, pursuant to Commission on Human Rights resolution 2000/61

Addendum

Mission to Colombia
(23-31 October 2001)

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Executive summary

This report has been prepared pursuant to Commission on Human Rights resolution 2000/61 of 26 April 2000. It presents and analyses information received by the Special Representative of the Secretary-General on Human Rights Defenders, during her visit to Colombia from 23 to 31 October 2001, as well as information received from individuals and non-governmental organizations concerning matters relating to the situation of human rights defenders in Colombia.

The purpose of the visit was to study and evaluate the situation of human rights defenders and the security conditions under which they pursue their activities in the context of the conflict. Thus one of the objectives was to examine reports of threats to the personal integrity of human rights defenders and their organizations, as well as the conditions that undermine the rights enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereafter the Declaration on Human Rights Defenders).

The Special Representative visited Bogotá, Medellín and Barrancabermeja, where she met with high-level officials, including the President of the Republic of Colombia, representatives of United Nations agencies and the international community, as well as a wide range of human rights non-governmental organizations and a great variety of actors representing human rights defenders.

The Special Representative recognizes that Colombia has joined most international organizations and adopted progressive legislation, and has created through such legislation machinery designed to ensure its application. She also acknowledges the efforts made by the Government to create specific programmes and institutions to mitigate the impact of human rights violations committed against human rights defenders. However, the limited coordination and consistency of the State policy to defend human rights - and in particular human rights defenders - and the lack of effectiveness of certain of these institutions did not meet the expectations raised.

The Special Representative is deeply concerned about the climate of impunity that surrounds human rights violations in Colombia. The State is legally responsible both for the attacks carried out directly by Colombian armed forces and for those committed by paramilitary organizations with State support, acquiescence or connivance, which have been contributory factors in such violations.

The Special Representative is deeply concerned over the climate of intimidation and insecurity in which human rights defenders carry out their work. She notes a pattern of serious abuses of human rights defenders, including threats, disappearances, killings and forced displacements. The Special Representative notes that all sectors of the civil society are affected by violence, including State officials working on human rights issues. Certain groups are still more targeted than others, among them trade unionists, ethnic minorities, internally displaced persons and women. The Special Representative is extremely concerned for the safety of trade unionists and indigenous leaders, in the light of the scale of violent attacks against them.

While the Special Representative has noted that the main perpetrators of violations of the rights of human rights defenders are the paramilitary groups, she nevertheless deplores the serious violations of international humanitarian law perpetrated by the guerrillas against the civilian population and human rights defenders.

The Special Representative is concerned at certain practices used by the police and the army against human rights defenders, in particular the keeping of intelligence files containing false information about human rights defenders and the tapping of telephones of NGO offices. She also condemns the alarming tendency of State and army officials to violate Presidential Directive 07 by using harmful and irresponsible rhetoric against human rights defenders, who are often accused of collaborating with the guerrillas.

The Special Representative notes with appreciation the objective and extremely positive work carried out by Colombian NGOs and human rights defenders. She regrets the lack of cooperation between the Government and NGOs, which is directly linked to the lack of confidence of NGOs in the State machinery. A democratic State can endure only with a strong civil society and it is the responsibility of the Colombian State to protect, promote and strengthen its civil society.

In the light of the above, the Special Representative recommends that the Government of Colombia:

(a) Adopt, as a matter of priority, a comprehensive policy on human rights and international human rights law and take into account the recommendations of various international bodies, in particular the Office of the High Commissioner for Human Rights (OHCHR), the High Commissioner for Human Rights herself, the Inter-American Commission on Human Rights, the Special Representative of the Director-General of the International Labour Organization, as well as of the United Nations treaty monitoring bodies and the thematic mechanisms of the Commission on Human Rights;

(b) Combat impunity by undertaking thorough and independent criminal investigations and put an end to the violence perpetrated against human rights defenders. The fight against impunity also implies the strengthening of judicial institutions by guaranteeing the competence, efficiency, security and independence of all institutions and persons in charge of investigating, prosecuting and examining complaints of human rights violations. Special measures should be taken to strengthen the protection mechanisms for judges, prosecutors, investigators, victims, witnesses and threatened persons;

(c) Combat paramilitarism effectively and dismantle paramilitary groups for good by arresting, prosecuting and punishing anyone who encourages, leads, participates in, supports or finances them. In this regard, the Special Representative urges the Government to combat collusion and any involvement of State officials and/or members of the military with paramilitaries;

(d) Establish a programme of periodic meetings between the Government and human rights defenders with the purpose of hearing their concerns directly and agreeing on actions and measures to protect them from violations of their rights and to prevent such violations;

(e) Publicly recognize the positive and crucial role played by NGOs and human rights defenders in general in strengthening democracy. In this regard, the Government should ensure that Presidential Directive 07 is implemented effectively;

(f) Adopt effective measures to guarantee the life and integrity of all human rights defenders who are threatened as a result of their activities and provide an effective response to the issue of enforced disappearance in Colombia, in particular of human rights defenders;

(g) Elaborate and adopt a comprehensive and effective strategy to prevent attacks against human rights defenders. For this purpose, adequate funding and more political support should be given to institutions and programmes such as the Ombudsman's Office and the protection programme of the Ministry of the Interior.

(h) Substantially increase measures of protection to the most targeted and vulnerable groups, in particular trade unionists, ethnic minorities, internally displaced persons and women;

(i) Examine military intelligence files with a view to determining whether they are necessary for purposes of national security and complete the investigation into telephone tapping;

(j) Repeal the Law on National Security and refrain from adopting any anti-terrorist legislation which would contribute to further violations of human rights in the country.

(k) Pay particular attention to the protection of journalists and media representatives and ensure that the electoral process is carried out in a peaceful environment with full respect for different opinions.

Finally, the Special Representative would urge all parties to the conflict, including the guerrillas, to respect, without exception, the rules of international humanitarian law and the right of the civil population, in particular human rights defenders, to the due protection and guarantee of their fundamental freedoms. She would also like to welcome the crucial work done by the Director and the staff of the Office of the High Commissioner for Human Rights in Colombia and urges the Government to cooperate fully with them and to make the best use of their assistance. In this regard, given the fact that a follow-up mission to Colombia by the Special Representative is unlikely to take place in the near future, the Special Representative strongly encourages OHCHR, particularly through its field office in Colombia, to assist the Government in implementing the above recommendations.

Introduction

1. This report has been prepared pursuant to Commission on Human Rights resolution 2000/61 of 26 April 2000. It presents and analyses information received by the Special Representative of the Secretary-General on human rights defenders, during her visit to Colombia from 23 to 31 October 2001, as well as information received from individuals and non-governmental organizations (NGOs) concerning matters relating to the situation of human rights defenders in Colombia.

2. By letter dated 20 February 2001 addressed to the Permanent Mission of Colombia to the United Nations Office at Geneva, the Special Representative sought the agreement of the Government to a visit to Colombia. On 22 August 2001, the Government of Colombia granted this request.

3. The purpose of the visit was to study and evaluate the situation of human rights defenders and the security conditions under which they pursue their activities in the context of the conflict. Thus, one of the objectives was to examine reports of threats to the personal integrity of human rights defenders and their organizations, as well as the conditions that undermine the rights enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereafter the Declaration on Human Rights Defenders).

4. The Special Representative visited Bogotá, Medellín and Barrancabermeja and met with the President of the Republic, the Vice-President and Minister of Defence, the Ministers for Foreign Affairs, Justice, the Interior and Labour. She had the opportunity to meet with the Inter-Sectoral Commission for Human Rights - which comprises Cabinet ministers and the heads of the judicial and oversight agencies. She also met with the President of the Constitutional Court, the President of the High Council of the Judicature (Consejo Superior de la Judicatura), the General Prosecutor (Fiscal), the General Procurador (Procurador), the Ombudsman and the Head of the Human Rights Unit in the Department of the Police. While in Medellín and Barrancabermeja, the Special Representative met, among other officials, with the Governor of Antioquia, the mayors of Medellín and Barrancabermeja, the chiefs of police in Medellín and Barrancabermeja and the head of the army in Medellín.

5. In addition to meetings with representatives of United Nations agencies and the international community, the Special Representative met with a wide range of human rights NGOs and a great variety of actors representing human rights defenders, in particular peasants, indigenous persons and Afro-Colombians, women, displaced persons, university teachers, students, journalists, gays and lesbians, political parties, trade unionists, Church leaders and business representatives. The Special Representative met with delegations from the Departments of Tolima, Atlántico, Bolívar, Santander, Arauca, Putumayo, Valle, Cauca, Nariño, Casanare, Córdoba, Cesar, Chocó and Urabá.

6. A detailed list of persons and organizations with whom the Special Representative met during the visit is attached as annex I to this report. She wishes to thank everyone she met for their generous assistance.

7. The Special Representative would also like to express her gratitude for the cooperation extended to her by the Government of Colombia in discharging her mandate. She wishes to express her appreciation to the Ministry for Foreign Affairs and the Permanent Mission of Colombia in Geneva, which helped make her visit successful. She also would like to convey her deep gratitude to the director and staff of the Office of the High Commissioner for Human Rights (OHCHR) in Colombia for their efficiency in organizing the visit.

8. The visit of the Special Representative occurred at a critical period in Colombia as it appeared that a breakdown of the peace process between the Government and the Revolutionary Armed Forces of Colombia (FARC) was imminent. For this reason, she cancelled her plans to travel to the demilitarized zone - a part of the territory which was handed over to the guerrillas and where there is very limited State presence. Owing to the lack of security in the region and the instability linked to the peace process, the Special Representative was not able to travel there.

9. Before leaving for Colombia, the Special Representative issued a press statement in which she mentioned that during her visit, she expected to meet with a variety of individuals and groups, both governmental and non-governmental, through which she proposed to gather the information for her report to the Commission on Human Rights. On the first day of her visit to Bogotá, the Special Representative met with the national and international press to brief them on her mandate and communicate to them the objectives of the mission. While in Medellín, she gave a press conference and she met again with the press in Barrancabermeja. At the end of the mission, the Special Representative addressed a press conference in Bogotá to give her preliminary conclusions and recommendations.

10. This report analyses the main issues of concern, focusing on those for which the State of Colombia is directly responsible, that is, human rights violations committed by public servants or by private individuals acting at the instigation of or with the consent or acquiescence of public authorities. Although the Special Representative does not address as such issues that directly involve illegally armed forces (the guerrilla groups), a specific section of this document is devoted to information received regarding the impact of the guerrillas on the work of human rights defenders.

11. The Special Representative would like to recall that she considers all activities in relation to human rights and fundamental freedoms recognized in international human rights instruments and commitments as activities for the promotion, protection and realization of human rights. The situation of any individual, group or organ of society engaged in such activities or experiencing any form of prejudice because of such activity would, therefore, fall within the scope of her mandate. In this regard, she wishes to refer to the report on her visit to Kyrgyzstan (E/CN.4/2002/106/Add.1, paras. 8-12), which gives clear indications of how the Special Representative considers country visits within the framework of her mandate.

I. GENERAL OBSERVATIONS AND LEGAL FRAMEWORK

A. General observations

12. The human rights crisis in Colombia cannot be analysed without reference to the evolution of the armed conflict and its impact on the fundamental rights of civilians, including human rights defenders. Few areas of the country remain unaffected by the escalating conflict.

13. Historically, Colombia's bipartisan political elite has focused on the defence of its urban interests. As a result, the political exclusion of the rural poor, who were also marginalized by great social inequality, a highly concentrated pattern of land ownership and an inefficient justice system, created the conditions for the development of autonomous political movements and led to the emergence of several guerrilla groups. The two main guerrilla groups still active, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) and the National Liberation Army (Ejército de Liberación Nacional, ELN) began operating in the mid-1960s. FARC, Colombia's largest rebel group (approximately 16,000 members), which has its origins in the 1950s, continued to operate throughout most of the country. ELN, an insurgent group formed in 1965, operates mostly in the mountainous areas of north, north-east and south-west Colombia.

14. The number and intensity of direct confrontations between the parties to the conflict have increased in the last three years parallel to the advance of paramilitary groups in the country. Events in Colombia during 2001 were marked by a series of issues that explain the context of the country's critical situation. Among these, it is worthwhile mentioning the campaign in preparation for the upcoming presidential elections in May 2002. Another relevant element is the new world situation after 11 September 2001. In addition, other problems have affected Colombia, such as the persistent harsh effects of the 1999 economic crisis, aggravated by world recession and the constant pernicious activities of the powerful drug trafficking network. The fact that the conflict in Colombia is backed by economic and strategic interests increases its complexity.

15. The polarization of the situation in Colombia not only adversely affects the peace dialogues, efforts to settle numerous social and labour issues, national political debate and the economy, but also contributes to the erosion of national institutions vital to the maintenance of the rule of law.

16. Despite President Pastrana's decision in May 1999 to promote peace talks between the Government and FARC in the demilitarized zone (zona de distensión) in the Departments of Meta and Caquetá, no substantive agreement has been reached so far. Moreover, the agenda for talks and negotiations between the Government and FARC fails to accord priority to the question of human rights and international humanitarian law, notwithstanding society's demand that this should be discussed before anything else. It is of grave concern that attempts at negotiations between the Government and FARC had no significant outcome and recently broke down on 20 February 2002, as the peace talks with ELN did in early 2001.

17. During 2001, the armed conflict increasingly affected the daily life of the country's inhabitants. The worsening of the conflict is reflected in constant retaliatory activities by paramilitary groups throughout the country focusing almost exclusively on the civilian population. All involved in the internal armed conflict, including the security forces, have at one point or another committed human rights violations that can be qualified as grave, massive and systematic. The main rights affected are the right to life and the rights to inviolability, freedom and security of the person. Breaches of humanitarian law are also recurrent, massive and systematic, forming part of a general assault on the civilian population.

18. According to various reports, including those of the High Commissioner for Human Rights and the Office of the High Commissioner in Bogotá, the situation in Colombia is deteriorating despite the creation and strengthening by the Government of mechanisms aimed at protecting human rights. It must be remembered that Colombia has ratified the vast majority of international human rights instruments, which are largely recognized in the Constitution. The Constitution also provides for a number of different ways or procedures to protect them, and has given a vital role in this respect to the Ministerio Público and Public Prosecutor complemented by the powers of the Ministry of the Interior. However, despite the existence of this legal and institutional framework, human rights defenders have for several decades worked in a climate of violence and repression which continues to obstruct their capacity to investigate and denounce, and to fight against violations of human rights.

19. Human rights defenders live in a climate of fear and uncertainty and find themselves caught in the cross-fire between the various parties to the conflict. They face increased repression and violence. Recent developments in the country reveal a serious degradation of the situation, and any individual expressing views on the conflict, its causes and consequences, runs the risk of violence and repression. Social activities or voices challenging the existing socio-economic context and organization also are increasingly vulnerable to violence and repression.

B. Legal framework

1. International obligations

20. Colombia has assumed a range of obligations deriving from international instruments in the area of human rights, notably those contained in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It should be underlined that Colombia made no reservations upon acceding to these instruments. Colombia is also a party to the Optional Protocol to the International Covenant on Civil and Political Rights providing for individual complaints procedures. Colombia has also ratified International Labour Organization Conventions Nos. 87 and 98 on freedom of association and collective bargaining, Nos. 29 and 105 on the elimination of forced and compulsory labour, Nos. 100 and 111 on the elimination of discrimination in respect of employment and occupation, and No. 169 on indigenous and tribal peoples in independent countries. Colombia has also signed the

Rome Statute of the International Criminal Court. A bill to ratify the Rome Statute is being debated in Congress. It should be noted that Colombia did not make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 22 of the Convention against Torture which recognizes the competence of the respective treaty monitoring bodies to receive and consider communications from individuals or groups.

21. At the regional level, Colombia is also party to the American Convention on Human Rights (Pact of San José), to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), and to most other regional treaties. In terms of the rights covered, the Protocol of San Salvador provides for the right to a healthy environment and singles out the right of disabled persons to enjoy, without discrimination, economic, social and cultural rights.

22. Additionally, the Colombian Constitution provides in article 93 that international treaties and agreements to which the State is a party and which recognize human rights and prohibit their restriction during states of emergency take precedence over internal law; in addition, the rights and duties set forth in the Constitution must be interpreted in accordance with the international human rights treaties ratified by Colombia. Furthermore, the Constitution stipulates that the enunciation of the rights and guarantees contained in the Constitution and in the international agreements in force is not to be construed as negating other rights inherent in the human person which are not expressly referred to therein (art. 94).

23. In 1996, the Colombian Congress approved a bill (Law 288) recognizing the binding nature of decisions made by the Inter-American Commission on Human Rights and the Human Rights Committee of the International Covenant on Civil and Political Rights regarding human rights violations in Colombia. This bill established a judicial and a summary procedure to define the monetary damages that must be paid to victims by the Colombian Government in cases decided by the aforementioned mechanisms.

2. Domestic legislation

(a) Constitution

24. Colombia is a democratic and pluralist republic. In 1991 a specially elected assembly approved a new constitution to replace the existing one, which had been in force for almost 100 years. The Constitution provides for a unitary State and the separation of powers. Executive power is exercised by the President, Andrés Pastrana, elected in 1998, who is Head of the Government and Chief of State. Legislative power is exercised by a bicameral Congress while judicial power is vested in an independent court system. The Constitution stipulates that the State recognizes without any discrimination the primacy of the inalienable rights of the person (art. 5), and the obligation of the State to protect, promote and defend fundamental rights (arts. 11-41); social, economic and cultural rights (arts. 42-77); and collective and environmental rights (arts. 83-94).

25. This Constitution also recognizes in article 15 the right of persons to have access to, and to be able to correct information that concerns them personally, whether these are archived in a databank or in other public and private registries (habeas data).

26. Article 20 of the Constitution provides that "Every individual is guaranteed the freedom to express and disseminate his/her thoughts and opinions, to transmit and receive information that is true and impartial, and to establish mass communications media". In addition, according to article 37, "Any group of individuals may gather and demonstrate publicly and peacefully. The law alone may establish in a specific manner those cases in which the exercise of this right may be limited."

27. Article 38 guarantees the exercise of the freedom of association, providing that "The right of free association for the promotion of various activities that individuals pursue in society is guaranteed". In addition, article 95 provides that "The following are duties of the individual and the citizen: ... to defend and publicize human rights as a basis of peaceful coexistence ... "

(b) Legislation on freedom of association, assembly and expression

28. As mentioned above, article 38 of the 1991 Constitution establishes freedom of association in general. Thus, natural and legal persons are guaranteed the right to associate for profit-making and non-profit-making purposes. The Civil Code - most of which came into force during the nineteenth century - regulates the establishment of companies, associations and societies for profit-making and non-profit-making purposes. Non-profit-making, charitable or welfare associations or societies may be established by private acts. Such associations include trade unions and second - and third-level trade union associations whose legal capacity is automatically recognized when they are formed, but which must be registered with the labour authorities upon establishment.

29. The establishment and formation of trade unions and trade union associations are regulated on the basis of article 39 of the Constitution which provides that:

> "Workers and employers have the right to form trade unions or associations without intervention by the State. They shall acquire legal recognition through the simple registration of their constituent instrument. The internal structure and functioning of the trade unions and social and guild organizations shall be subject to the legal order and democratic principles. The annulment or suspension of legal capacity may only be effected through judicial means. Trade union representatives shall be recognized as having the privileges and other guarantees necessary for the performance of their functions. Members of the police and armed forces shall not have the right to form and join trade unions."

The right to form and join trade unions is regulated by articles 12, 353 et seq. of the Substantive Labour Code, which apply to both employees and employers; the sole restriction of this right applies to members of the police and the armed forces, i.e. the National Police and the army, navy and air force.

30. Although the right of assembly and the right to demonstrate are covered by article 37 in the chapter of the Constitution on fundamental rights, Statutory Act No. 137 on states of emergency of 1994 sets no particular restrictions on this right. Decree No. 1355 of 1970, which introduced the National Police Code, contains the regulatory framework relating to the right of assembly. Article 102 of the Code states that:

> "Any person may meet with others or parade in a public place for the purpose of expressing common interests and ideas of a political, economic, religious or social nature or for any other lawful purpose. For these purposes notice shall be given in person and in writing to the local administrative authorities. The communication shall be signed by at least three persons. The notice shall specify the date, time and place of the proposed meeting and be submitted two days in advance. In the case of parades, the planned route shall be specified."

Neither the Police Code nor any other enactment establishes cases in which the holding of a peaceful assembly is prohibited. Articles 104 and 105 of the Police Code stipulate as follows: "Any public assembly or parade that degenerates into a riot or causes a breach of the peace or public safety shall be dispersed", and further, "The police may prevent the holding of public meetings and parades of which due notice has not been given. They may also take this measure if the meeting or parade fails to conform with the objectives specified in the notice."

31. Freedom of expression is specifically guaranteed in article 20 of the Constitution, which establishes that the freedoms of expression and information constitute fundamental rights, whose exercise enjoys legal protection but also entails obligations and responsibilities. Their exercise is, accordingly, a right and a duty, i.e. a right with a concomitant responsibility, which influences its realization. These provisions are in keeping with those of criminal law, which determines further criminal liability for the perpetration of punishable acts when providing information; examples are the offences of libel and slander, for which penalties are laid down, particularly in articles 102, 192, 194 and 220-228 of the Colombian Criminal Code.

(c) Other laws or measures which have a direct impact on the work of human rights defenders

32. On 9 September 1999, Colombia's Human Rights Day, President Pastrana issued Presidential Directive 07 concerning "Support, communication and cooperation of the State with human rights organizations". The Directive restates most aspects of the previous Presidential Directive 011 of June 1997, issued by the then President, Ernesto Samper. The Directive orders all public officials not to question the legitimacy of human rights organizations or make false accusations which could compromise their security or reputation. It also requires all public officials to cooperate fully with human rights organizations when asked to provide information or assistance.

33. Act 599/00, which criminalizes forced disappearance, genocide, forced displacement and torture, came into effect in July 2001. Following the entry into force of the New Criminal Code on 24 July 2001 (Law 599/2000), human rights violations such as torture, displacement, genocide and forced disappearance, and breaches of international humanitarian law, are now incorporated in domestic law offences. In principle, these new offences will be tried solely by ordinary courts.

34. In addition, article 147 of the new Penal Code (Law 599 of 2000) that went into effect on 24 July makes acts of racial discrimination a crime. However, this punishable conduct, classed with crimes against people and assets protected under international humanitarian law, can only be committed within the context "of the occasion and in the unfolding of the armed conflict". As such, discriminatory behaviour at any time by persons who are not participating directly in the hostilities continues to go unpunished in Colombian legislation.

35. In July 2000, the New Military Criminal Code entered into force. The only crimes it excludes expressly from military jurisdiction are torture, genocide and enforced disappearance, and it fails to refer to other serious human rights violations and international humanitarian law. The New Code does not take account of all elements of Constitutional Court judgement No. C-358/98 on the restricted character of military jurisdiction. Later, in sentence No. C-361/2001, the Constitutional Court stated that no member of the public forces who committed an act constituting a serious human rights violation or war crime can be tried by a military court because the commission of such an act breaks the connection between the offence and the service.

36. In a recent decision (2 April 2001) the Constitutional Court (C-361) stated that the exclusion from military jurisdiction of the crimes of torture, genocide and enforced disappearance provide examples of violations of human rights which should not be considered by the military jurisdiction.

37. In July 1999, the heavily criticized system of regional courts of "faceless judges" was replaced by a new system of specialized courts. Although the new law (Law 504 of 1999) presented a few positive changes from the old system, it still fell short of compliance with international human rights standards.

(d) Principal Colombian institutions dealing with human rights issues

38. The Ombudsman (Defensoría del Pueblo) is nominated by Congress for four years to provide legal support to vulnerable victims of human rights violations and to educate the public about human rights. The Ombudsman is also responsible for receiving information from victims and threatened persons and transmitting it to the relevant authorities so as to provide protection and avoid violations. An early-warning system has also been initiated within the Ombudsman institution.

39. A protection programme within the Ministry of the Interior has been established which deals with human rights defenders (including trade unionists, political activists and indigenous leaders), journalists, and with members of the Patriotic Union Party (Union Patriotica-UP). According to Law 199 of 22 July 1995, the Ministry of the Interior is responsible for the

coordination of activities developed by governmental institutions concerned with the promotion, defence and protection of human rights. Article 32 of Law 199 of 1995 established the committee for the Assessment and Management of Risks, a special administrative body for human rights within the Ministry, which also includes NGO and trade-union representatives. The committee adopts effective measures to physically protect a certain number of human rights defenders and heads of organizations. The programme provides protection for individuals and the offices of the organizations concerned. There are two types of protection: unarmed and armed. The former includes help with relocation, communication equipment (cellular phones), bullet proof vests, emergency assistance from security agents or other persons selected by those concerned and employed by the State security service, DAS, courses in self-protection, and the installation of security equipment (closed circuit television, reinforced doors, alarms, etc.). Armed protection includes the provision of bodyguards and armoured vehicles. It should also be noted that in 1996, following the adoption of Law 199, the Ministry of the Interior created the Unit for Witness Protection and Protection of Persons at Risk, now called the Human Rights Unit.

40. In addition, various commissions are entrusted with specific human rights issues. Among them are the Human Rights Commission on Indigenous People created under Decree 1396/96 of 1996, the Inter-Institutional Commission for Workers' Rights established in 1997, the Subcommission on Human Rights and Forced Displacement and the Programme for the Protection of Journalists and Social Communicators established by Decree 1592 of 2000.

II. MAIN FINDINGS AND CONCERNS

A. Violations of the fundamental rights of human rights defenders

41. During her visit, the Special Representative received a considerable number of cases of violations committed against human rights defenders in Colombia. Some of them had been previously transmitted to the Government in the exchange of communications with the Special Representative. In this regard, the Special Representative would like to refer to the two annual reports she has submitted so far to the Commission on Human Rights (E/CN.4/2001/94 and E/CN.4/2002/106), which contain the communications sent by her to Colombia and the responses received from the Government thereon.

42. Of the 161 communications sent this year by the Special Representative to all relevant Governments, 29 concerned Colombia, representing 18 per cent of the cases of attacks against human rights defenders worldwide raised by the Special Representative. Most of the communications transmitted to the Government of Colombia were urgent appeals (25) and the remaining were letters of allegation.

43. The Special Representative observes that the most basic rights of human rights defenders have been consistently violated in recent years in Colombia and that these violations are never or rarely properly investigated.

1. Violation of the right to life and personal integrity

44. Executions, death threats and enforced disappearances which in the majority lead to the killing of the person concerned constitute the most obvious and numerous violations of the right to life of human rights defenders in Colombia.

45. According to the Colombian Commission of Jurists, between July 1996 and September 2001, 68 human rights defenders were attacked in Colombia: 54 human rights defenders were assassinated and 14 forcibly disappeared. The majority of them belonged to local or national human rights organizations; others were town representatives, defenders' relatives, leaders of communities of displaced persons, staff of international organizations, participants in peasant organizations, members of indigenous communities, members of religious orders, academics, and former employees of the Ombudsman's Office. These statistics do not include trade unionists, who will be considered in a separate section of this report, or civil servants or judicial officials dealing with human rights issues.

46. Most of the attacks (43 per cent) occurred in the Department of Antioquia (28). The others occurred in the Colombian-Venezuelan border zone and the Departments of Bogotá, Bolivar, Santander, Valle, Cesar, Meta, North Santander, Huila, Magdalena, Chocó, Atlántico, Caldas, Sucre, Putumayo, Tolima, Córdoba and Nariño.

47. It has been reported to the Special Representative that the killing of human rights defenders is usually related to the fact that they are accused of collaborating with either the guerrillas or the paramilitary groups. Another reason for attacking human rights defenders is the independent positions they take vis-à-vis the armed factions by denouncing the serious abuses committed by all parties to the conflict. It is also linked to the fact that they defend and make requests in favour of civilians or certain communities.

(a) Killing of human rights defenders

48. All categories of human rights defenders are affected by summary and extrajudicial executions: human rights NGO representatives, trade unionists, academics, students, human rights lawyers, indigenous leaders, members of religious orders, leaders of displaced communities, peasants, judicial officials and civil servants working on human rights issues such as the Ombudsman.

49. While some of the violations of the right to life of human rights defenders are committed by members of the security forces acting negligently or using excessive force, the Special Representative was informed that paramilitaries are responsible for the majority of killings. Paramilitaries often accuse human rights defenders and organizations of supporting or collaborating with the guerrillas, thus making them legitimate military targets. In this regard, and as mentioned in the 2001 report of the High Commissioner for Human Rights (E/CN.4/2001/15, para. 35), the pattern of selective killings has been adopted by the paramilitaries in some parts of the country as a new strategy.

50. Since 1996, several leading human rights leaders have been killed. Most of these cases were raised by the Special Representative in a letter of allegation sent on 19 October 2001 to the Government of Colombia jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions. Dr. Jesús Valle Jaramillo, renowned human rights lawyer, was shot dead in February 1998 by unidentified gunmen in his office in Medellín after denouncing links between members of the Colombian military and paramilitary organizations. He was the President of the Antioquia Permanent Committee for the Defence of Human Rights, and the fourth president of the organization to be killed. He was also a university professor and a Conservative Party local councillor.

51. According to the information received, on 19 May 1997, a group of masked gunmen, identifying themselves as staff of the Office of the Attorney-General (Fiscal), killed Carlos Mario Calderón and Elsa Constanza Alvarado, both activists of the Centre for Research and Popular Education, in their Bogotá apartment. It has been alleged that paramilitaries were responsible for the murders.

52. The Special Representative was informed that Sister Yolanda Cerón, a nun and director of the human rights team of the Catholic organization Pastoral Social in Tumaco (Department of Nariño), was shot several times on 19 September 2001 by unidentified gunmen as she walked across a park in Tumaco. She was taken to the local hospital where she died moments later. Ms. Cerón had worked for many years with Pastoral Social denouncing human rights violations in Nariño and supporting the victims and their families. Before she was killed, she had reported that unidentified men had been following her and that the offices of Pastoral Social were under permanent surveillance.

53. There is much concern about the human rights situation in the Department of Nariño since most of the human rights defenders have left owing to the threats of paramilitaries. Pastoral Social was the only group monitoring human rights violations. It is difficult to see how the human rights work will continue after Yolanda Cerón's death.

54. The Department of Atlántico is also greatly affected as 17 extrajudicial killings were reported for the year 2001. According to the information received, Manuel Pajaro Peinado, treasurer of the Union of Public Services (Sindicato de Servidores Públicos) was murdered on 24 March 2001 in his home in Barranquilla. He had apparently already requested protection under the protection programme of the Ministry of the Interior; however, his request had been rejected following the recommendation of DAS.

55. The Special Representative visited Barrancabermeja, a city which is considered to be the heart of activism in Colombia. Over the years a large number of human rights defenders, including trade unionists, have been killed. The Special Representative considers the presence of Peace Brigades International (PBI) in this city to be of extreme importance. The paramilitaries in the town have made it clear that international support for human rights defenders is the only reason they have not killed more defenders. Some human rights defenders remain in Barrancabermeja despite the consolidation of the paramilitary presence and the threats against them. The issue of the safety of human rights defenders there is crucial.

56. The Special Representative was informed that on 11 July 2000, Elizabeth Cañas Cano was shot dead near her office in Barrancabermeja, presumably by paramilitaries. Ms. Cañas Cano was a member of ASFADDES (Asociación de Familiares de Detenidos-Desaparecidos) and was actively campaigning for justice for 25 persons, including her son Giovanny Cañas Cano and her brother José Cañas Cano, who disappeared in the 16 May 1998 massacre in Barrancabermeja.

57. On 19 October 2001, the Special Representative, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, sent a letter of allegation regarding the case of Eduardo Umaña Mendoza, a lawyer and human rights defender. According to the information received, Dr. Mendoza Umaña was killed in Bogotá on 18 April 1998 by two men and a woman who identified themselves as journalists. Prior to his death, Dr. Mendoza Umaña had been threatened on numerous occasions. Complaints had been filed with the competent authorities, but no progress had been made on the investigations into these threats. A number of arrests have been made in connection with the murder, but so far only one person has been formally charged. There is grave concern that, despite indications of military involvement in the crime, it appears that this line of investigation has not been followed.

58. It has been drawn to the Special Representative's attention that many of the human rights defenders killed in extrajudicial executions by members of paramilitaries are first tortured, raped or mutilated, often atrociously, by their abductors before they are killed.

59. Furthermore, the Special Representative was informed that in some instances paramilitaries use drug traffickers or hired assassins to execute human rights defenders. While in Medellín, the Special Representative was informed that a gang of hired assassins called "La Terraza" issued a press release in Medellín on 29 October 2000 in which they claimed responsibility for various crimes against human rights defenders and in which the gang explained its involvement in the matter, connecting high military officials to paramilitary activities. It was alleged that four of the five hired assassins who were willing to surrender and cooperate with the judicial system were afterwards killed by the paramilitaries. To date, no progress can be reported in the investigation.

(b) Death threats received by human rights defenders

60. During her visit, the Special Representative noted with grave concern that threats to the lives of human rights defenders were among the most common violations against them. These threats sometimes come in the form of anonymous phone calls or notes and aim at intimidating the recipients so that they will leave the country or move to another region. In other cases, unknown individuals approach human rights defenders and tell them that they have to stop their work or suffer the consequences. Some human rights defenders received funeral wreaths or invitations to their own funerals. Copies of such communications sent by paramilitaries (AUC) to various human rights organizations, including women's organizations, announcing their own funerals, are annexed to the report (annex II). For security reasons, the names of the addressees have been erased.

61. In the letter of allegation sent to the Government on 19 October 2001, the Special Representative raised the case of Orlando Ospina Loaiza and Carlos Alberto Florez, respectively Vice-President and Secretary-General of the public service trade union SINTRAEMSDES in Pereira, who reportedly received a condolence card on 12 February 2001 sent by the paramilitary group United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC).

62. The Special Representative also raised the case of Ms. Bernice Celeyta Alayón, President of the human rights organization NOMADESC (Association for Social Investigation and Action - Asociación para la Investigación y Acción Social), who on 18 May 2001 reportedly found a message on her home answering machine threatening her with death. The next day, a funeral wreath was left on her doorstep. Since 14 May 2001, she has reportedly been kept under constant surveillance by unknown men in cars. NOMADESC has denounced human rights violations by paramilitaries who have threatened and killed trade unionists in Department of Valle del Cauca, and massacred civilians living along the Naya River in the same region.

63. Death threats also take the form of slogans painted on houses of human rights defenders, such as "Death to guerrilla collaborators" or "We will cut out your tongue and make a necktie if anyone talks". This kind of slogan was reportedly painted on the walls of the offices of the Fundación Estrella Orográfica del Macizo Colombiano (FUNDECIMA).

64. The Special Representative's attention was drawn to the fact that death threats from paramilitaries are being received by all sectors of the civil society, including judicial officials, journalists, trade unionists, religious leaders, university professors and students.

65. There has been an increase in the victimization of human rights defenders in some of the regions that the Special Representative visited, particularly the Magdalena Medio (Barrancabermeja) and the Department of Antioquia (Medellín). During 2001, many communications were sent by the Special Representative about attacks committed against human rights defenders in these two regions.

66. In those regions, the Special Representative noted with great concern that human rights defenders were working in a climate of insecurity, particularly due to the death threats received from the paramilitary groups. In Barrancabermeja, a town of 300,000 inhabitants and with a heavy paramilitary presence, AUC has undertaken a campaign of violence and terror against the human rights defenders community, declaring them "military targets" for collaborating with the guerrillas.

67. In an urgent appeal sent on 19 January 2001 together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Representative raised the case of Iván Madero Vergel and José Guillermo Larios, members of the organization CREDHOS (Regional Committee for the Defence of Human Rights - Comité Regional para la Defensa de los Derechos Humanos) in Barrancabermeja, an organization which has played a vital role in drawing international attention to human rights abuses committed by guerrillas, the security forces and the paramilitaries. Both men were reportedly threatened several times by paramilitaries who told them that they were considered to be military targets and accused them of being guerrilla collaborators or supporters.

68. Valle del Cauca is also of grave concern to the Special Representative. According to several sources, in 2000 and 2001, 450 cases of serious human rights violations against civilians, including social leaders, peasants and trade union leaders, were committed, allegedly by paramilitaries. In June 2000, the Inter-American Commission on Human Rights called for precautionary measures to be applied to 24 trade unionists from the region.

69. According to the information received, on 2 November 2000, a press release from AUC was sent to the offices of the Valle del Cauca branch, of the Central Unitaria de Trabajadores (CUT) stating the following:

> "Our country, Colombia, now deserves political, social and economic stability, which can be obtained by eradicating and extermining all ... trade unionists and defenders of human rights, since their sole activity is to promote and support guerrilla warfare. Action to be performed: to designate them as military objectives, force them into exile, exterminate all these 'bastards' and their offspring. Date of inception of military action: 30 November for all who have not already left, following the orders of our chiefs. For a beautiful, clean and peaceful Colombia. AUC."

(c) Enforced disappearances of human rights defenders

70. Enforced disappearances are often associated with executions since the human rights defenders who disappear are, in most cases, presumed dead. Although the majority of these cases of disappearance are attributed to paramilitary groups, security forces are sometimes also responsible.

71. While in Medellín, the Special Representative visited the headquarters of ASFADDES, an organization with several branches around the country whose members are exclusively relatives of persons who have been victims of forced disappearance. ASFADDES documents cases of forced disappearance and submits them to national and international bodies in order to initiate searches. It also researches and establishes criminal and disciplinary responsibility and subsequent sanctioning. Owing to the type of work ASFADDES does, it is a particular target.

72. On 12 October 2000, the Special Representative sent an urgent appeal concerning the disappearance on 6 October 2000 of Angel Quintero and Claudia Patricia Monsalve Pulgarín, two members of ASFADDES in Medellín. It was reported that Mr. Quintero had received threats prior to his disappearance as a result of his investigation into the disappearance of three of his relatives, Rubén Usaga Higuita, Wilson Usaga Higuita and Arvey Poso Usaga, on 25 August 2000. According to the information received, Ms. Monsalve Pulgarín had been working on her brother's disappearance in 1995 to which police officers have allegedly been linked. In her communication, the Special Representative expressed concern regarding the threats that members of ASFADDES had allegedly received over the previous few months. No significant progress in the investigation into the enforced disappearance of these two human rights defenders has been made.

73. The Special Representative has further been informed that after Mr. Quintero and Ms. Monsalve Pulgarin disappeared, other ASFADDES members received threats and five families were consequently displaced. In December 2000, the new director of ASFADDES reportedly left the country and the office was closed for two months.

2. Harassment and intimidation

74. During her visit, the Special Representative felt the extreme tension and fear among the few human rights defenders who have been able to continue working since early 1999, when Carlos Castaño, head of AUC, declared human rights defenders and organizations "military targets", as a consequence of which many human rights defenders left their homes and several NGO offices closed in the regions of Urabá, Magdalena Medio and south Bolivar.

75. The number of cases of threats reported to the Special Representative is so high that she is unable to raise all of them in this particular report. As mentioned earlier, she would like to refer to her 2000 and 2001 annual reports in which she summarized extensively the cases received and transmitted to the Government of Colombia, together with its replies.

(a) Particular organizations targeted

76. Harassment of human rights defenders appears to be directed against organizations with human rights projects in the regions of Magadalena Medio, Cauca and Nariño. Some of the organizations concerned are MINGA (Asociación para la Promoción Social Alternativa) and Sembrar. It has been reported that MINGA, an organization which undertakes education, promotion and research on human rights issues, was the object of telephone threats and some of its members were followed and harassed during 2001. Fear for the safety of MINGA members was raised with the Special Representative. In addition, the Special Representative transmitted an urgent appeal on 6 August 2001 regarding members of the Bogotá-based human rights organization Sembrar and others working with it who have reportedly been kept under surveillance and threatened. The threats appear to be related to the organization's activities in and around Barrancabermeja.

77. Some NGOs are particularly targeted. Members of ASFADDES, already mentioned, receive threatening phone calls on a regular basis and suffer various forms of harassment and persecution such as surveillance by suspicious individuals. Those practices continue to occur despite a request by the Inter-American Commission on Human Rights (IACHR) to the Government of Colombia for preventive measures (medidas caurelares) to be taken. In the absence of such measures, the IACHR requested the Inter-American Court of Human Rights to issue a decree for the execution of preventive measures on behalf of 17 ASFADDES members, which was done on 11 November 1997.

78. CREDHOS leaders and activists are said to receive threats on a regular basis, usually by phone, letter or press statements and usually from paramilitaries. On 19 October 1999, the coordinator of CREDHOS in Barrancabermeja, Pablo Javier Arenales, received numerous threatening phone calls. In August 2000, the secretary of the organization, Mónica Madera Vergel, allegedly received a threatening phone call from someone at the Ministry of the Interior. These acts seem to be connected with a pamphlet distributed by

CREDHOS in Bucaramanga during an event entitled "For life and human rights" held in September 2000 to denounce the threats against its members and attributing responsibility to AUC.

79. While threats are directed against all sectors of the civil society, the vulnerability of the associations working on peace initiatives and peace communities has been particularly emphasized. Peace communities are a unique model of self-organization of the civilian population in which displaced communities have declared themselves officially neutral and refuse to support, directly or indirectly, any armed actor in the Colombian conflict. The Special Representative was informed that people working with these communities, in particular the peace communities of San José de Apartado (Antioquia), La Balsita-Dabeiba (Antioquia), Cacarica (Chocó) and Urabá, are subjected to threats from paramilitaries as well as from members of the military and the police. Because of the threats, the IACHR proclaimed a series of protective measures for most of them.

80. In the aftermath of the 8 July 2000 massacre in the peace community of La Unión (Antioquia), the Colombian army filed a complaint for libel against Justice and Peace (Justicia and Paz), an NGO composed of 70 religious congregations known for their courageous work on human rights issues, which had made a public statement that an army helicopter had been seen circling the community yet had failed to intervene at the time of the massacre. The libel action is part of a wider context in which the peace communities have become increasingly stigmatized by irresponsible statements alleging collaboration with guerrilla groups. It has been reported that these statements have directly contributed to retaliation against the communities by paramilitary groups.

81. The Special Representative was informed of an interesting initiative, the Tarso Constituant Assembly (Asamblea Municipal Constituyente de Tarso - AMC). It is a space for community participation representing all sectors of the society and composed of people who organized themselves to react against the negligence of the State in economic and social matters. It was brought to the attention of the Special Representative that since 3 October 2001, threats against AMC by paramilitaries have increased, forcing several members to leave the municipality. Several persons from the region have already been killed.

(b) Type and origin of threats received

82. It was brought to the attention of the Special Representative that the Colombian police tap the telephones of human rights NGOs. She was informed that following the forced disappearance of ASFADDES members, Angel Quintero and Claudia Monsalve in December 2000, it was announced by the Attorney-General's Office (Fiscalía) and the Procurator General's Office that illegal phone tapping by GAULA, an anti-kidnapping unit within the Medellín Metropolitan Police, would be investigated. The Fiscalía revealed that between 1998 and 2000, more than 2,000 phone lines were illegally tapped by GAULA. Although all the subjects of the illegal phone taps have not been identified, the Fiscalía has established that ASFADDES phones as well as those of 15 other NGOs were among those illegally tapped.

83. Human rights organizations report that their offices are watched, visited by unknown persons or even bombed. For instance, the offices of human rights defenders in the Department of Bolivar and the offices of the National Association for Support and Assistance (Asociacion Nacional de Ayuda Solidaria - ANDAS) in Cartagena are visited by unknown persons on a regular basis. It was further reported that the ASFADDES regional office in Medellín, which the Special Representative visited, was bombed with 5 kg of dynamite on 24 July 1997, destroying the files.

84. The Special Representative was distressed to learn that in some cases, paramilitaries would commit one or two murders in order to intimidate the whole community of a particular city or region. Such was the case in Cartagena where on 21 October 2001, hired assassins entered the Nelson Mandela neighbourhood, which is inhabited mainly by internally displaced persons, with a list of the names of 10 community leaders. The commandos reportedly entered the home of Pedro Vivero Crismath and assassinated - in front of his family - community leader Miguel Enrique López and wounded Pedro Vivero. The nine other leaders, frightened, hastily left the neighbourhood.

85. The Special Representative notes that most of the threats and intimidation of human rights defenders are in reprisal for the complaints these associations have made against certain members of the security forces, the paramilitaries and the Government. One of the main objectives is clearly to silence them.

86. The "José Alvear Restrepo" Lawyers Association (CAJAR) is in this regard particularly targeted. On 12 July 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers regarding Dr. Alirio Uribe Muñoz, lawyer and human rights defender, and other members of CAJAR in Bogotá, and Luis Guillermo Pérez Casas and Maret Cecilia García, who are facing constant harassment and intimidation by paramilitary groups in Cundinamarca. Mr. Pérez, has reportedly been the victim of harassment and regular surveillance since he started working on the massacre committed by members of the army in Mapiripan.

87. In addition, the Special Representative transmitted an urgent appeal on 6 February 2001 together with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers, on the case of Mr. Oscar Rodas Villegas, a lawyer and human rights defender and member of CAJAR, who has reportedly been threatened with death and ordered to put an end to his investigations into human rights violations. According to the information received, on 24 January 2001, his wife, Olga Iliana Vélez, was kidnapped by three men and a woman thought to belong to a paramilitary group, taken to an unknown house and beaten. She was freed at the end of the day and told to tell her husband that he had to leave before 17 February or they would attack his family.

88. The Special Representative would like to stress the vulnerability of human rights defenders whose families are being attacked because of the work of the husband, father, brother, spouse, mother or sister. In this regard, she raised another case with the Government in an urgent appeal sent on 15 June 2001 in which Astrid Manrique Carnaval, member of Popayan

Branch of the ASFADDES, and her family were threatened several times by unidentified men. On 3 June 2001, it was reported that two men smashed all the windows of Ms. Carnaval's house and that she, together with her 14-year-old daughter, was followed by six unidentified men in the street.

(c) Consequences of the threats for the work of human rights defenders

89. Attacks against human rights defenders are often aimed at the complete destruction of human rights organizations, as individual human rights defenders are often forced to abandon their work in order to obtain some measure of safety. In regions like in Córdoba, Cesar and Putumayo, there are no human rights NGOs as such only environmental or social NGOs. Due to the difficult context, human rights NGOs do not want to be identified as such. The Special Representative deplores the fact that the defence of human rights is considered to be a subversive political activity and that human rights NGOs are stigmatized.

90. It is a fact that human rights organizations frequently cease all or some of their activities as a result of attacks against their members. Since 1995, ASFADDES has reportedly had to close several of its regional offices owing to the campaign of harassment and intimidation: the office in Apartadó (Urabá) was closed in 1995, the office in Ocaña (North Santander) was closed down in 1997, the office in Riosucio (Caldas) was closed in 1997 and the one in Barrancabermeja (Santander) was closed in February 2001.

91. The Special Representative was informed that in Medellín, human rights counselling has disappeared mainly because of threats from paramilitaries. Some human rights defenders were killed, others are in exile, some are in hiding. It is therefore particularly difficult and dangerous to gather and transmit information on human rights in the region. Even the IPC (Instituto Popular de Capacitación), an organization based in Medellín working mainly on conflict resolution at the community level, saw four of its leaders and activists kidnapped by paramilitaries in January 1999 and accused of being members of the guerrilla. They were all released a few days later, but in October 2000, six IPC members were threatened, which led some of them to leave the country and to the suspension of some of the organization's activities.

92. While in Medellín, the Special Representative raised with the head of the police the question of the safety of human rights defenders. Brigadier General José Leonardo Gallego, the Metropolitan Police Commander, told the Special Representative that in 2001, 11 NGO offices had been provided with permanent police protection.

93. In the Magdalena Medio region, NGO offices were closed and human rights activities reduced. In Barrancabermeja, violence has reached disturbing levels and human rights organizations have been dismantled, neutralized or forced to carry out activities imposed by paramilitary groups. Cases in point are the Women's Popular Organization (Organizacón Feminina Popular, OFP) and the Regional Board for Standing Efforts for Peace (Mesa Regional de Trabajo Permanente por la Paz). The Special Representative learned with concern that between August and November 2000, over 300 people have met with violent deaths in

Barrancabermeja. AUC constantly pressures and abuses human rights defenders, exercises influence over civil authorities and controls a large part of the private residential security business. It publicly carries out patrols and sets up roadblocks and permanent checkpoints. It also calls public meetings and organizes cultural events that inhabitants are pressured to attend.

94. On 22 February 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Mr. Omar Vera Luna, President of the Junta de Acción Comunal in Barrancabermeja and member of the Peace and Development programme in Magdalena Medio, who was reportedly threatened with death since 16 February 2001 on various occasions by members of AUC. According to the information received, Mr. Vera Luna reportedly refused to take part in a demonstration organized by the paramilitaries to protest against the establishment of "El Retén", a venue for meetings between the members of the ELN guerrillas and the Government. As a result of renewed threats, and despite the presence of the police, Mr. Vera Luna and his family have been forced to leave their home and seek shelter in the "Casa de la Mujer" centre in Barrancabermeja.

95. It has to be stressed that in Colombia not only are local NGOs being threatened, but international ones as well. On 13 February 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women regarding the case of an international observer from PBI who was approached on 8 February 2001 by two men who identified themselves as members of AUC and who threatened the observer with a gun, forcing him to hand over his papers and mobile phone. As the men were leaving, they threatened the international observer from PBI and told him that they were declaring the organization a military target.

96. Other international organizations have also been threatened by paramilitaries. The Special Representative takes this opportunity to pay tribute to the work done by international NGOs in Colombia, in particular PBI whose courageous members help to save the lives of human rights defenders.

(d) Legal action against human rights defenders

97. The Special Representative has been informed that legal proceedings are sometimes initiated against human rights defenders by military officers who usually charge them with slander or defamation, the crime of rebellion or the organization of illegal groups. These proceedings are part of a strategy to silence human rights defenders. Legal action is usually initiated against human rights defenders who have published reports on the alleged involvement of military officials with armed dissident groups. According to a report on Colombia published in 1999 by the Inter-American Commission on Human Rights, such proceedings were brought against 11 human rights defenders in the Department of Antioquia alone between May 1996 and August 1997.

98. The Special Representative was further informed that criminal proceedings for libel were instituted against CODEHSEL (Comité Permanente de Derechos Humanos de Antioquia) because it had denounced links between the military and the GAULA unit with paramilitaries in the poor areas of Medellín.

99. The Special Representative wishes to express concern over legal action taken against human rights defenders and the fact that no disciplinary action is being taken against the members of the military who abuse the law.

3. Forced displacement

100. The Special Representative has been informed that internal displacement has been adopted by illegal armed groups as a military strategy to gain territorial control, either by threats or by direct attacks against the civilian population.

101. According to NGOs, more than 2 million people have been displaced since 1995. According to the Social Solidarity Network, a government institution in charge of displaced persons, there was a 64 per cent increase in the number of displaced persons in the first half of 2001; paramilitaries were said to be mainly responsible for 53.6 per cent of those displacements. Nearly the entire country is affected by this phenomenon. The most affected departments are Antioquia, Bolivar, Valle del Cauca, Chocó, Magdalena, Cauca, Putumayo and Meta. The main receivers of internally displaced persons are the departments of Antioquia, Bogotá, Bolivar and Magdalena.

102. Most displaced persons are concentrated in urban areas. When the Special Representative visited the areas in Medellín inhabited by the displaced, she realized that there are no adequate policies or solutions for them. Their predicament is characterized by a lack of comprehensive and effective attention and protection by the State and the absence of appropriate mechanisms for their return and resettlement.

103. In 1997, the Government of Colombia passed Act 387, which outlines a broad and comprehensive plan to assist the forcibly displaced. Article 29 of this Act orders the Ministry of the Interior to "offer protection to displaced persons concerning whom there are grounds to fear for their safety". But despite this legislation, there are no guarantees for the physical safety and the lives of the displaced and of those who work on their behalf (see section 3 (c)below). The Act remains unimplemented.

104. This phenomenon tends to affect the most vulnerable populations like peasants, indigenous people and Afro-Colombians who already live in precarious conditions. The Special Representative has learned with concern that union leaders, political activists, community leaders, judges and prosecutors, journalists, human rights activists and educators are being displaced through a process of "political and social cleansing".

4. Groups most affected by human rights violations

105. The Special Representative notes that all civil society is affected by violations of human rights but certain groups seem to be more frequently targeted than others. Each of them is dealt with separately below.

(a) Trade unionists

106. The Special Representative is particularly concerned by the large number of murders, attacks and threats directed at trade unionists. Eleven communications out of 29 sent by the Special Representative in 2001 to the Government of Colombia concerned this group.

107. Raphael Albuquerque, Special Representative of the Director-General of ILO, noted in his June 2001 report an increase in the number of union leaders and union workers murdered.[1] Indeed, according to various sources, while at least 112 trade unionists were murdered in 2000, the Central Unitaria de Trabajadores (CUT) reported that more than 160 violent deaths of trade unionists occurred in 2001 and 69 disappeared. Members of paramilitary groups have been accused of being responsible for most of these killings. A minority were committed by the guerrillas. The very fact that unions oppose economic measures which affect economic and social rights make them a target for parties to the conflict.

108. The most affected unions are those that represent educational, health, municipal and departmental workers, in particular the National Association of Hospital Workers (Asociación Nacional de Trabajadores Hospitalarios, ANTHOC), the Colombian Education Workers Federation (Federación Colombiana de Educadores, FECODE) and the Union of Municipal and Departmental Workers (Sindicato de Trabajadores de Empresas Municipales y Departamentales, SINTRAEMSDES). Among the areas the most affected by the violence against trade unionists are the departments of Valle del Cauca, Antioquia, Cesar and Santander.

109. During the visit, several complaints were transmitted to the Special Representative with regard to the situation of trade unions in Valle del Cauca, in particular harassment and intimidation, against SINTRAEMCALI (Sindicato de Trabajores de las Empresas Municipales de Cali, the municipal workers' union), CUT, SUTIMAC (Sindicato Único de Trabajadores de la Industria de Materiales de la Construccion, in the construction workers' union), SINTRATITAN, SINTRAMUNICIPIO de Yumbo, (Valle) SINALTRAINAL (the national food workers' union), and ANTHOC.

110. The Special Representative learned with concern that some trade unionists were either attacked or killed despite the fact they were, or were supposed to be beneficiaries of the protection programme of the Ministry of the Interior. Segundo Florentino Chávez, Secretary-General of the Dagua municipal workers'union, was allegedly killed by two paramilitary gunmen in August 2001. A security plan had been approved for his protection by the Ministry of the Interior but, according to the information received, it could not be implemented owing to lack of funds.

111. In addition, on 15 December 2000 Wilson Borja, President of the National Federation of State Workers (Federación Nacional de Trabajadores al Servicio del Estado, FENALTRASE) and member of the Central Committee of the Colombian Communist Party, who had been facilitating peace talks with the ELN, was the victim of an armed attack while driving a van. He was struck by at least three bullets and was brought to hospital for emergency surgery. Two of Mr Borja's bodyguards were reportedly also wounded. Mr. Borja was receiving "hard" protection under the Ministry of the Interior protection programme at the time. According to the information received, the perpetrators of the attack had links with former members of the police.

112. Another case of grave concern was that of Aury Sará Marrugo, President of the Cartagena branch of the Workers Trade Union (Unión Sindical Obrera, USO) who, together with a bodyguard, was reportedly kidnapped by AUC paramilitaries on 30 November 2001 and later summarily executed. In this case, there are indications of involvement by members of the police.

113. Barrancabermeja has the largest number of displaced trade unionists, in particular those working at the Empresa Colombiana de Petróleos (ECOPETROL). More than 11 union leaders were reportedly killed in Barrancabermeja during 2001. It was reported that, among others, Luis Manuel Anaya Aguas, treasurer of the transport workers' union SINCONTRAINDER (Sindicato de Conductores y Trabajadores del Transporte de Santander) in Barrancabermeja and its president, Luis López, were reportedly killed on 16 and 19 October 2001. On 17 October 2001, Julián Rodríguez, a member of CREDHOS, was murdered in Barrancabermeja, allegedly in retaliation for his human rights activities.

114. According to the information received, the constant threats and killings of trade unionists has led to the dissolution of 14 union organizations in the last five years. In addition, attacks against families of trade unionists have also been reported. The Special Representative has received information regarding the case of Gerardo González and his family. Mr. González is Secretary for Agrarian and Indigenous Affairs of CUT, President of the Small Agriculturists' Trade Union of Cundinamarca (SINPEAGRICUN), and member of the International Labour Organization Governing Body. According to the information received, a pamphlet published on 5 May 2000 reported that a paramilitary offensive would soon take place in Bogotá and announced the imminent execution of various persons, including Mr. González. In addition, Mr. González' daughter has reportedly been threatened and followed by members of military intelligence. It was also reported that during the year 2000, Mr. González, his daughter and his wife were called upon to testify before the Fiscal.

115. The Special Representative was also provided with information relating to the use of force by security forces in controlling labour protests and the abusive arrests of trade unionists by the police. On 25 October 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on freedom of opinion and expression regarding six leaders of the USO who were reportedly detained on 19 October 2001 in various cities of the country and accused of rebellion. Among the detainees were Jairo Calderón, former President of the USO held in detention in Bucaramanga, Alonso Martínez, a USO activist held in Bogotá, Ramon Rangel, member of the USO Human Rights Commission held in Barrancabermeja, and Fernando Acuña, former President of FEDEPETROL held in Barrancabermeja. According to the information received, members of the Administrative Department of Security (DAS) were reportedly responsible for the arrests.

116. Furthermore, the Special Representative was informed that under the former mayor of Medellín, the metropolitan police were allowed by decree 326 of 5 May 1999 to suppress and break up demonstrations. The decree was used to repress and arrest demonstrators in April 2000 in order to break up a Labour Day demonstration. The Special Representative was further informed that the current mayor of Medellín no longer uses this decree.

117. The Special Representative has been told that the Ministry of Labour, in particular its Human Rights Office, is making genuine efforts to assess the human rights situation of workers, with the help of trade unions, entrepreneurs and State agencies, in order to ensure their safety. Nevertheless, the Special Representative deplores that there has been no real outcome of the investigations undertaken into the attacks against trade unionists, despite the fact that 606 cases concerning trade unionists are currently with the Fiscalía. The Special Representative is therefore extremely concerned for the safety of trade unionists in Colombia.

(b) Ethnic minorities

118. Indigenous and Afro-Colombians live in areas where the paramilitaries and the guerrillas are very active, and they are often caught in the crossfire. Ethnic minorities suffer numerous violations of their fundamental rights, in particular killings, enforced disappearances, attacks, harassment and general disregard for their specific rights. They are also one of the groups most affected by forced displacement.

119. Important economic and strategic interests operate in most of the regions where ethnic minorities live. The implementation of mega projects such as mining operations and exploitation of natural resources have often led to violations of their fundamental rights, including killings, abductions and massive displacement. These groups also suffer from the fact that there is no control or regulation to prevent indiscriminate deforestation, and the spraying of illegal crops has a deleterious effect upon their health.

120. The parties to the armed conflict have exercised an alarming and growing level of pressure on the Emberá-Katío people in the regions of Alto Sinú (Córdoba) and Jurado (Chocó), on the Uwa's in the north of Boyacá and on the Afro-Colombian communities in Chocó and Urabá, lower and central Atrato (Chocó), the Montes de María and the south of Bolivar.

121. The Special Representative's attention was drawn to the fact that indigenous and Afro-Colombian leaders and those who defend ethnic minority rights have been particularly targeted. The situation has clearly worsened in the last three years. The Special Representative learned with concern that at least eight ethnic minority leaders were killed during 2001. Attacks against their leaders strongly affects those communities by weakening their internal organization and eroding their leadership base.

122. On 9 July 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding the disappearance and murder by paramilitaries of two indigenous leaders, Alirio Pedro Domicó Domicó, Governor of the Embera indigenous group in Cabildo del Rio Esmeralda, Department of Córdoba, and Alberto Saburaga Velásquez, an Embera teacher in Quibdó, Chocó, on 25 and 27 June 2001, respectively. On 10 July 2001, the Special Representative and the

Special Rapporteur on extrajudicial, summary or arbitrary executions issued a press release expressing their deep concern over the murders and disappearances of indigenous leaders in Colombia.

123. During the visit, concern was expressed to the Special Representative at the number of disappeared indigenous leaders. On 2 June 2001, Kimy Pernia Domico, leader of the Embera, was reportedly abducted by paramilitaries in Montería, Córdoba. Mr. Pernia Domico, who has not been seen since, has played a leading role in the indigenous communities' campaign against the construction of the Urrú dam. According to the information received, the Ministry of the Interior set up a committee to investigate the disappearance in July 2001. But the Ministry allegedly did not consult indigenous communities in the Upper Sinu Valley, which could have facilitated an efficient investigation by the committee.

124. It was further reported that indigenous activist Jairo Bedoya Hoyos, a member of the Antioquia Indigenous Organization (Organizacíon Indígena Antioquia, OIA) who worked on human rights issues, disappeared on 2 March 2000 and has yet to be found. Mr. Bedoya Hoyos, member of the Parliament for the Patriotic Union (UP) party in 1992-1993, disappeared on 2 March 2000 in Antioquia. Members of paramilitary groups are reportedly responsible. The victim had participated in a campaign calling for respect for the cultural rights and the safety of the Embera.

125. As mentioned above, indigenous leaders are also the first group affected by forced displacement. The Special Representative was informed about the case of Armando Achito, an Embera leader from the municipality of Juradó, Chocó, who had taken part in several proceedings aimed at securing land, food and health for indigenous communities. Mr. Achito was displaced to Juradó following the murder of three indigenous people by alleged paramilitaries on 8 August 1999. Local authorities suggested that he move to Bahia Solano, where he could be provided with the necessary protection. Despite doing so, Mr. Achito was the victim of an assassination attempt on 4 January 2000, following which he moved back to Juradó. He was killed on 25 December 2000, in his own home.

126. Similarly, Afro-Colombians are the targets of threats and harassment as well as attacks against their lives. It has been alleged that Marino Córdoba, President of the Association of Displaced Afro-Colombians (ASFRODES), received threatening phone calls from paramilitaries in March 2001 at the headquarters of the organization. Mr. Córdoba was reportedly the victim of attempts against his life in 2000 and had received several death threats since he moved in January 1997 from Chocó to Bogotá.

127. The Special Representative was told that Afro-Colombian organizations are particularly at risk in the Department of Nariño and are vulnerable to attacks from paramilitary groups.

128. The Special Representative was also informed that death threats have been made against people who provided legal advice or humanitarian assistance to indigenous peoples in Colombia.

129. According to the information received, the Government has been incapable of guaranteeing the security and protection of the leaders, people and advocates of these

communities. In addition, internal displacement, which is greatly affecting these communities owing to threats from paramilitaries, is not receiving an effective response from the authorities, who also fail to secure appropriate conditions for their return.

(c) Internally displaced persons

130. During her mission, the Special Representative visited a neighbourhood in Medellín called the Barrio La Cruz, where a community of about 1,220 displaced persons lives. The Special Representative noticed with great concern that IDPs live in highly insecure conditions and their basic needs for food, housing, education and health are often not met. They have to build their own roads and seem to have been completely abandoned by the State. Their physical and mental integrity and security are not guaranteed. The Special Representative noted that at the entrance to the Barrio La Cruz, IDPs were themselves checking the identity of each visitor. Most of the IDPs living in this area were displaced as a consequence of the attacks of paramilitaries and they still feel threatened. The Special Representative learned with concern that killings are still taking place in the Barrio.

131. Cases received by the Special Representative illustrate the vulnerability of IDPs to threats and attacks. The leaders of the displaced are particularly exposed and are frequently victims of threats and aggression, including torture and assassination. Eder Encizo Sandoval, leader of a community of displaced persons in La Reliquia (Villavicencio, Meta), was reportedly killed on 19 August 2001 in the presence of 600 children and other community members. The identity of the perpetrators has yet to be established.

132. The Special Representative was also informed that in November 1998, as some 8,000 people from the south of Bolivar were returning to their homes, IDP leaders were allegedly killed and mutilated by paramilitaries, despite the fact that the return process occurred pursuant to an agreement between the displaced and the Vice-Minister of the Interior who had promised in writing to ensure the returnees' safety. Months after they returned, and owing to the fact that the paramilitaries continued to commit crimes against them, there were new displacements and community organizations were closed.

133. Again in 1998, after signing agreements with the Government regarding guarantees for a gradual return process, 4,000 displaced persons from the Pavarandó camp reportedly returned to settlements in the municipality of Riosucio (Chocó), where they formed peace communities. On 7 April 1999, a paramilitary group entered the settlements, allegedly killing nine leaders and kidnapping seven (who were later released). Following these incidents, community leader Fredy Gallego voluntarily moved to Bogotá. In early 2000, Mr. Gallego appeared in a message for peace produced by the National Television Commission. He later moved to Bahía Solano (Chocó), where he was assassinated on 6 August 2000 by a paramilitary group.

134. On 28 November 1999, two spokesmen for the displaced Mr. Edgar Quiroga and Mr. Giraldo Fuentes, who had participated in the negotiations with the Government on the conditions for return, were detained by paramilitaries and subsequently disappeared. Mr. Quiroga was accused of being "the most important guerrilla fighter in Magadalena Medio". Twenty-eight months later, there is still no information as to the whereabouts of the two leaders.

135. In some cases, protection by the State is requested but is not sufficient to prevent attacks against IDPs. For instance, José Vega, Vice-President of the Association of Displaced Persons for Peaceful Coexistence (ADESCOP), was the victim of an assassination attempt on 9 August 2000 allegedly perpetrated by armed and hooded men. He requested the protection of the Ministry of the Interior, attaching his results of clinical tests showing the wounds that he had suffered. DAS, in charge of his case, gave him a self-defence manual and to date he still has not received any answer, let alone protection, from the Ministry. Another case reported to the Special Representative was that of Mr. Darío Suárez Meneses, President of a displaced organization called the Foundation for Justice and Peace, who was assassinated on 11 May 2001 in the Chicalá settlement in the city of Neiva. Months before, Mr. Suárez had requested protection from the Ministry of the Interior.

136. Finally, cases of people targeted because of their activities in the defence of IDPs have also been brought to the attention of the Special Representative. On 3 September 2000, Mr. César Molina, Director of the Corporación para la Educación y Autogestión Ciudadana (CEAC), a human rights NGO in Barranquilla (Atlántico), was reportedly intercepted by two armed men who threatened to kill him if he did not discontinue his work with IDPs and students at the University of Atlántica. The two men also mentioned Luis Felipe Flores, director of another human rights NGO, the Fundación para el Estudio de las Ciencias Sociales (FUNPECIS). The facts of the case suggest that the perpetrators were members of an organized group of contract killers who may have paramilitary links. As a result of the threat, both individuals have been forced to abandon their human rights work in Barranquilla and have been displaced to other cities in Colombia (allegation letter of 19 October 2001).

137. Particular attention was also drawn to the organization CODHES (Consultaría para los Derechos Humanos y el Desplazamiento), which is working on the forced displacement phenomenon. The CODHES office was the object of surveillance and threats in 2000 and in 2001, the life of Jorge Rojas, the director of the organization, was threatened.

(d) Women

138. Colombia has a broad legal framework for the protection of women's rights. Nevertheless, their situation remains difficult, especially owing to the effects of violence and armed conflict. The Special Representative received information that some women are victims of sexual assaults by combatants, are raped and become "trophies" of war. Women also constitute the largest proportion of the internally displaced. According to the information received, 50 per cent of the displaced population in Colombia are women and those in rural areas are particularly vulnerable to forced displacement. Among the reasons for this is that women fear that their minor children will be recruited for the war. In addition, the deterioration of the economic situation of the country primarily affects the female population.

139. The Special Representative received tragic testimonies of women being raped, tortured, threatened, killed, forcibly displaced and exiled. Cases of women forced to drink the blood of their own children and husbands were reported to the Special Representative. Women often suffer these violations either because they are the wives, mothers or sisters of a human rights defender, or because they are human rights defenders themselves.

140. The women's organizations which are the hardest hit on an ongoing basis are those that work in rural areas and in the regions in which the armed conflict is more intense. Such is the case of ANMUCIC, the National Association of Peasant, Indigenous and Black Women of Colombia. The Special Representative has been informed that in the last four years, about 30 of its leaders have been killed, some of them along with their husbands or children. The Popular Women's Movement (Movimiento Popular de Mujeres - MPM) has suffered the forced displacement and exile of its leaders and members and eight members were assassinated in the last three years. The Association of Women for Peace and Defense of the Rights of Colombian Women (ASODEMUC) has experienced forced disappearances and several of its members have been assassinated. The Programme for Women and Family of the Asociación Nacional de Usuarios Campesinos Unidad y Reconstrucción (ANUC-UR) has suffered the same fate.

141. The Popular Women's Organization (Organización Femenina Popular - OFP), with which the Special Representative met in Barrancabermeja, is a typical case of ongoing persecution of an organization that seeks to promote and protect women's rights. OFP is a women's social organization working for the promotion of women's rights and for social development for the poor suburban communities in various municipalities of the Magdalena region. Since 2000, this organization has suffered, in a repeated and systematic manner, acts of hostility while carrying out its activities, the armed presence of paramilitaries in several of its offices and threats that the offices will be seized by force. Some OFP members were forcibly displaced because of death threats received.

142. On 13 February 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women regarding two men who identified themselves as members of the AUC who reportedly went on 27 January 2001 to the women's community centre "Casa de la Mujer" run by the OFP in Barrancabermeja. According to the information received, the two men announced that they had come to take over the centre and demanded the keys. One of the men threatened Jackeline Rojas and stole her mobile phone. He reportedly said that the paramilitaries would take over the centre by force, "blow the door and trample over whoever stands in their way". On 13 November 2001, the Special Representative transmitted an urgent appeal regarding the destruction, on 10 November 2001, by a group of armed men of the OFP's community centre in the Barrio La Virgen, in Barrancabermeja.

143. In addition, the Special Representative was informed that there is also armed pressure on the communities in Barrancabermeja not to participate in activities organized by the OFP. In this regard, paramilitary members reportedly threatened to kill OFP members after they helped organize three days of events and marches in Barrancabermeja, calling on both sides in Colombia's armed conflict to respect the human rights of civilians. Paramilitaries have declared 11 families who took part in the 14-17 August 2001 events to be military targets. First, paramilitary gunmen went to women's homes and told them not to go to the march, and set up roadblocks to stop the event taking place despite the fact that the army has a strong presence in the city. OFP members Jackeline Rojas and its President,Yolanda Becerra, were reportedly threatened and on 24 August 2001, the OFP was told that paramilitaries had decided to assassinate its members, beginning with one of the leaders, Patricia Ramírez.

144. On 9 March 2001, the Special Representative transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding the attacks and threats by paramilitaries against OFP organizing an International Women's Day celebration on 8 March 2001. On 7 March, Yolanda Becerra received a call on her mobile phone in which a threatening voice told her to "get ready for what's coming".

145. The OFP told the Special Representative that it had had meetings with the police commander of Barrancabermeja and that the police were providing preventive measures. However, it refused to be part of any protection programme because it wanted to keep its independence. On the other hand, it did accept support from and the presence of PBI activists.

146. The Special Representative was further informed that in some municipalities, women who aspired to positions such as council member or mayor had been forced to withdraw their names or, when they are elected, are not allowed to take office. This was allegedly the case for the mayor-elect of Tibú.

147. In this connection, Marleny Rincón, Marta Cecilia Hernández and Ana Julia Arias de Rodriguez, members of ANMUCIC, were allegedly killed by paramilitary forces on 21 July 2000, 19 August 2000 and 26 January 2001, respectively. Ms. Rincón, President of the Association in the Department of Meta, and Ms. Arias de Rodriguez, treasurer of ANMUCIC and member of the political party UP, were accused of being members of the guerrilla. Ms. Hernández, leader of ANMUCIC in Zulia, North Santander, was killed together with her husband, Leonidas Quintero. Both were reportedly tortured before being killed. Ms. Hernández' murder was allegedly linked to her refusal to withdraw her candidacy for the municipal elections.

(e) Peasants and social organizations

148. The Special Representative learned with concern that peasants and social organizations are particularly vulnerable to paramilitary groups. She received complaints from all over Colombia.

149. In the Department of North Santander, several peasant leaders have been forcibly disappeared and others have been assassinated. It has been reported that Orlando Moncada, spokesman and member of the board of the Peasants Association of Valle del Río Cimitarra, was killed on 1 September 2000 while standing near a roadblock set up by the AUC on the road between Puerto de Barrancabermeja and El Tigre.

150. In the Department of Cauca, 35 social movement leaders reportedly had to leave the region to protect their lives and physical integrity. In the Catatumbo region, a march was organized by peasants in 1998 to denounce social problems such as the lack of roads in rural areas and the need to diversify away from illicit crops. Once the negotiations ended two to three months later, the leaders of the march began to be assassinated (Emelina, an ANMUCIC leader from Campoalicia and Leonel Giraldo of ANUC, among others) and displacements followed.

151. On 30 November 2001, the Special Representative sent an urgent appeal regarding the continuous threats against members of the Asociación Campesina del Valle del Río Cimitarra (ACVC) despite the recommendation of the Inter-American Commission of Human Rights dated 1 November 2001 calling upon the Government of Colombia to implement the protective measures granted in 1999 in order to protect the members of ACVC who were allegedly declared a military target by paramilitary groups. According to the information received, on 7 November 2001 members of the Technical Investigations Corps (Cuerpo Técnico de Investigaciones, CTI) of the Fiscalía and the Fifth Army Brigade broke into the home in Bucaramanga of César Jérez, member of the board of the Association, and intimidated his family. These threats are allegedly linked to the activities carried out by the ACVC for the promotion and protection of the human rights of the inhabitants of the Valle del Río Cimitarra.

152. The Asociación Campesina de Arauca (ACA), an organization that deals with issues of interest to farmers, was reportedly accused by the Government and the paramilitaries of being collaborators of the guerrillas and, as a result, is being regularly threatened.

153. Leaders of social organisations of southern Bolivar, principally from the Mesa Regional Permanente por la Paz y los Derechos Humanos del Magdalena Medio and the Federación Agrominera del Sur de Bolivar have been regularly threatened, persecuted, killed and disappeared. It was reported that on 30 October 1998, Oscar Danilo Zais Pena, Meider José García Castillo and Valdiris Chamoro were killed and mutilated in Guarigua, San Pablo. All three were peasant leaders and defenders of their community's rights and were coordinating the provision of shelter in Barrancabermeja during the peasant exodus.

154. The Special Representative's attention was also drawn to the intense harassment of social leaders and their families in the Department of Tolima. Since the Association of Small and Medium Farmers of Tolima (Asociación de Pequeños y Medianos Agricultores de Tolima - ASOPEMA) started organizing marches, its leaders have been described as members of the armed insurrection by public forces and civil authorities. ASOPEMA leaders Germán Bedoya, Hermancia Bejarano and Tenaura Hernández were allegedly threatened.

(f) Teachers and university professors

155. According to the information received, this group is also particularly affected by killing, threats and violence-related displacement. Between 1999 and 2001, four professors were killed.

156. Eder Enciso Sandoval, schoolteacher and leader of the displaced people in the settlement La Reliquia in the town of Villavicencio (Meta), was reportedly killed on 19 August 2001 while he was conducting a public event in the school to raise funds. Two other people were reportedly injured: Marleny Coronado Gómez, Vice-President of the Junta de Acción Comunal of the settlement, and a child.

157. The Special Representative was informed that Juan Rodrigo Suárez Mira, a teacher, was murdered on 21 March 2001, in Medellín. He had been teaching for over six years in the suburb

of Manrique. His murder seems to be linked to the fact that a few days earlier, he had been selected as a union delegate to attend the Congress of the Colombian Federation of Teachers (Congreso de la Federación Colombiana de Educadores) which began on 26 March in Santa Marta.

158. It has also been alleged that the leaders of the teachers' union are particularly targeted. Pedro Varón, teacher and member of the executive board of CUT, in Tolima, has reportedly been subjected to threats against his life, allegedly from paramilitaries. According to the information received, these facts forced him in April 2001 to flee the region, give up his union work and leave his family.

159. In addition, the teachers' union of Cauca, ASOINCA, which is based in Popayan, is said to have appeared on a paramilitary hit-list. This union has developed projects across the department on social and economic rights. Fear for the safety of the members of this union has been expressed.

(g) Students

160. The Special Representative was provided with information according to which the Universities of Antioquia, Córdoba, Atlántico, Cauca and Valle as well as the University of Surcolombiana in Neiva are the ones most affected by killing and threatening of students, teachers and employees. Incursions of paramilitaries into the universities have reportedly worsened since 1999. Between 1999 and 2001, seven students were killed in Colombia. In addition, student organizations are closing down because their leaders are being killed and their members are also often forcibly displaced.

161. The Special Representative was told that on 11 October 2001, Camilo Alberto Zuiluagha Echeverri, a student at the University of Tolima and student representative at the human rights committee of the university, was murdered, allegedly by paramilitaries, as he was taking part in a delegation established to look for disappeared persons. The incident took place between Dolores and Prado municipalities. In the same incident Marcos Antonio Martinez, member of the peace thematic commission of Tolima, and Hugo Melo, a trade union activist, were injured. Jesus Arias, who was part of the DAS escort assigned to protect Marcos Martinez, was also killed. The incident occurred at a place located half an hour by car from a police station.

162. The Special Representative has also been informed of the case of Diodedit Navarro Jaramillo, a student activist who was murdered on 10 August 1997, following the creation of a movement set up by members of the University community affiliated with the university professors union (ASPU) to fight corruption. In addition, it was reported that Luis Mesa Almanza, a lawyer and graduate of Atlántico University, was murdered on 26 August 2000 while leaving a meeting during which he had discussed with students and professors the latest demonstration organized by Atlántico University students.

163. During the year 1999, workers, teachers and students in Colombia organized a series of special days dedicated to the fight against administrative corruption and against the implementation of the National Development Plan which would privatize public education in

Colombia, thereby affecting numerous students from disadvantaged sectors of society. Since then repressive measures have been taken by the State authorities leading to an increase in the number of murders, disappearances, threats, displacements and detentions of students leaders. Paramilitary groups called the Autodefensas Estudiantiles within the Colombian universities have been participating in the repression of the student movement.

(h) Health professionals

164. The Special Representative learned that there is alarming violence against health professionals, especially threats from paramilitary groups. It seems that the attacks against health organizations are mainly linked to the fact that they protest against the use of hospitals and schools by the military and paramilitaries to store ammunitions, set up bases or control the distribution of medicines and the impact this has on the civilian population.

165. ANTHOC (the National Trade Union of the Health Sector Workers of Colombia), especially in the Departments of Valle del Cauca and North Santander, is one of the most targeted organizations. On 17 May 2000, the President of the ANTHOC regional office in Cartago (Valle del Cauca), was allegedly killed in the doorway of the Emergency Service at the Sacred Heart of Jesus Hospital in Cartago. In September 2000, a leaflet signed by the AUC was distributed in El Líbano (Tolima) declaring several health workers in the region to be "military targets".

166. The Special Representative sent several communications to the Government of Colombia with regard to ANTHOC members. On 29 June 2001, she transmitted a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Emma Gómez de Perdono, a member of ANTHOC in Honda city (Tolima), and her daughter, Diana de Perdono, who were reportedly victims of a murder attempt by paramilitaries on 13 June 2001. According to the information received, a paramilitary group had threatened ANTHOC members working at a hospital in Honda with death if they refused to take part in a meeting organized by the paramilitaries.

167. On 13 September 2001, the Special Representative transmitted an urgent appeal regarding Edgar Pua, Judith Castillo, Argemio Rivaldo, Carlos Bustamente, Ubaldo Galindo, José Meriño and Arminto Sarmiento, members of ANTHOC in Baranquilla, (Atlántico), who had reportedly been threatened with death by paramilitaries who accused them of being members of the guerrilla. As a result of these threats, they have been forced to leave the region. Carmen Pungo and Ricaurte Yanten Pungo, also members of ANTHOC, were murdered on 2 September 2001, allegedly by paramilitary groups in Tambo, (Cauca).

(i) Church representatives

168. The Special Representative was told that the role of the Church in Colombia is important in the promotion and protection of human rights. Catholic priests often denounce violations committed by paramilitaries and the military and even lodged a complaint in Barrancabermeja against attacks committed against trade unions and local organizations. For these reasons, paramilitary groups have repeatedly threatened and even attacked members of the Catholic Church and other religious orders.

169. Many priests had allegedly to leave Magdalena because of threats. Others were harassed for supporting the Peace Communities. In the Departments of Córdoba and Cesar, priests who facilitated talks with the guerrillas were attacked by paramilitaries

170. Paramilitaries have also killed members of religious congregations and displaced others. A priest was killed in 1999 in Tierralta. Another priest was reportedly killed in Putumayo in 1998 while celebrating mass. He was replaced by another priest who was also threatened and had to leave the country. The Church in Chocó is being persecuted by the army and the paramilitaries. Priests are experiencing direct attacks and on 18 September 1998, a seminarist was reportedly killed.

171. The guerrilla groups are also responsible for killing Church representatives. On 11 September 1998, Padre Alcides was reportedly killed by members of the FARC 32 Front in Putumayo.

(j) Sexual minorities

172. The Special Representative met with lesbian, gay, transgender and bisexual organizations fighting for those who face discrimination in Colombia, i.e. members of sexual minorities, people living with HIV/AIDS and sex workers. The Colombian gay and lesbian movement has also been actively involved in campaigning for peace in Colombia's civil war, condemning all forms of hatred and violence. In particular, the leaders of this movement have joined Planeta Paz, a peace project coordinated by community leaders and involving women's, indigenous, peasant, youth and other social movements.

173. A few cases have been transmitted to the Special Representative. Robinson Sánchez, editor of El Otro, a publication that deals with sexuality issues and a human rights activist fighting abuses perpetrated against gay students in Medellín, has reportedly been verbally and physically abused by a security guard at the University of Antioquía, allegedly in connection with his sexual orientation and his activities as a social leader.

174. The Special Representative was also informed that sexual minorities are victims of threats and harassment particularly in the demilitarized zone.

B. Other factors which have a direct impact on human rights defenders

1. Administration of justice and impunity

175. The problem of impunity in Colombia is linked to several factors, in particular the way the administration of justice functions, and the intensity of the internal armed conflict. According to the information received, the rate of impunity for human rights violations is close to 90 per cent. However, the Higher Council of the Judiciary informed the Special Representative that a recent official study on impunity indicates that the rate of impunity in Colombia is not more than 40 per cent. According to members of the Council, the activities of the justice system are very much affected by factions that are in conflict.

176. The Procurator General, with whom the Special Representative met, agreed that the justice system cannot monitor cases, is slow and overburdened and therefore cannot produce results. Only 40 per cent of the killings of trade unionists are currently before the court.

177. The Special Representative was informed that despite the large scale of violations committed against the civilian population in Colombia, human rights defenders included, no effective sanctions are being applied by the State against the perpetrators. The paramilitaries, who are considered to be the main perpetrators of attacks against human rights defenders, are not effectively investigated. Similarly, it appears that there is no action by the State to dismantle the paramilitary groups.

178. The Special Representative was informed that in February 2000, the Government created a "Centre of Combat against Self-Defence Groups". The Centre's report stated that the Government had captured 535 paramilitary group members, but that another 264 arrest warrants issued by the Fiscal, as well as 37 issued by the courts, had not been complied with.

179. While in Barrancabermeja, the Special Representative was informed by the chief of police that about 98 paramilitaries had been arrested during 2001 who were presumed responsible for the death of several residents of the city. According to several other interlocutors, this number is negligible compared with the number of homicides committed in Barrancabermeja in the 1990s, which averaged 3,900 annually. In addition, it has been reported that most of the arrested paramilitaries were later released without being charged and only 18 are being prosecuted and remain in detention.

180. In this regard, the Special Representative learned that the lack of progress in the investigations is also due to the fact that, if the perpetrators are identified, only those who actually committed the violations are arrested while those who planned or gave the orders are not. In addition, it was reported that there is an increasing unwillingness by the security forces to execute judicial orders, including arrest warrants for the arrest and detention of alleged perpetrators of grave violations of human rights and humanitarian law.

181. Not only are indictments not issued against those responsible for violations, but members of the security forces or the police whose conduct is being investigated for human rights violations and paramilitary activities are even promoted. This clearly contradictory message sent to the civil society is reinforced by the fact that persons who have committed grave violations are not only still at liberty but also make public appearances around the country.

182. In addition, Carlos Castaño, the main paramilitary leader, appears to be untouchable. More than 22 warrants were reportedly issued against him for massacres, killings, and the kidnapping of human rights defenders and a Colombian senator, among other crimes. Despite this, he is still free and gives regular interviews to the national and international media.

(a) Judicial institutions

183. The structure and functioning of the judicial institutions themselves contribute to impunity in Colombia. The High Commissioner for Human Rights, in her last report to the Commission on Colombia (E/CN.4/2001/15), stated that the military justice system violates on a regular basis a number of international legal and judicial principles, such as independence, impartiality and equality. The Special Representative was informed that cases of serious violations and breaches of international humanitarian law involving members of the military are still before military courts, and that important violations of human rights such as massacres still escape the jurisdiction of the ordinary courts.

184. According to a recent report on impunity in Colombia published by the Swedish NGO Foundation for Human Rights, while the new military penal code has contributed to a reduction in the number of cases being tried by military courts in 2001, a lot of cases involving high-ranking military officers are still being sent to the military courts on the ground that they arose from activities carried out while the accused was in service. If a large number of guilty verdicts for strictly military offences (such as desertion) continue to be pronounced by military courts, very few cases involving human rights violations are decided. For instance, the case of the massacre in Santo Domingo, which was allegedly committed by the armed forces, is still before the military jurisdiction despite the legal reforms.

185. Constitutional Court rulings C-358/97 and C-361/01 have not yet been implemented. In the first case, the Court clearly defined the limits of the jurisdiction of the military justice system in the context of the 1991 Constitution. In the second case, the Court decided that no member of the public forces who committed an act constituting a serious human rights violation or war crime can be tried in a military court as such conduct automatically severs all connection between the offence and the service. According to information received, failure to implement these two decisions are crucial elements in the continuing impunity in Colombia.

(b) Access to justice

186. The Special Representative's attention was drawn to the fact that there are difficulties in certain regions of the country in accessing the justice system. There are regions without public servants or judicial officials, thus favouring the influence of the paramilitaries and the guerrillas and impunity. Fifty per cent of the country (about 200 towns) is without police services. In Antioquia alone, 6 municipalities out of 126 do not have a police presence; these are the areas where the civilians are under the strict control of one or another party to the conflict.

187. In certain cases, as in Putamayo, the paramilitaries exert influence, even pressure, in the nomination of local officials (personeros, mayors). The mayor of Medellín told the Special Representative that more than 100 mayors had been killed in recent years. The independence and autonomy of members of the judiciary is paramount in the fight against impunity. In this regard, the Special Representative would like to refer to the report of the Special Rapporteur on the independence of judges and lawyers on his mission to Colombia (E/CN.4/1998/39/Add.2).

(c) Protection for judicial officials, witnesses and victims

188. The Special Representative considers that the lack of adequate protection for judicial officials in the performance of their functions, as well as for witnesses and victims, is an important factor contributing to impunity in Colombia. Attacks, threats and intimidation are regularly experienced by judicial officials. At least 39 judges, lawyers and prosecutors were victims of attacks between February 2000 and June 2001. Most of them are targets because of their investigations into the activities of paramilitary groups. It has been reported that judicial officials are even more vulnerable when they are investigating cases involving high State officials or public servants (i.e. the Chengue, Gabarra and Tibú investigations); this compromises the responsibility of the State. According to the information provided to the Special Representative, there has been an increase in the number of witnesses that have been killed or disappeared owing to the lack of adequate protection. Despite the creation of a programme for the protection of witnesses, victims who are officials and other parties to criminal proceedings, the Government seems incapable of providing adequate measures and resources for those who are at risk. An analysis of this programme was conducted by the Office of the High Commissioner for Human Rights in Colombia and a report including recommendations was transmitted to the Fiscalía.

189. Often, agents of the State who work on human rights issues themselves come under attack: members of the Human Rights Unit of the Fiscalía have received threats, and civil servants at the Ministry of the Interior who work with displaced persons and other human rights issues have also been threatened.

190. There are about 4,000 prosecutors in Colombia and a large number of them have been threatened; others were killed or left the country. María Margarita Pulgarín, special prosecutor in Medellín, was killed while investigating the killing of 13,000 members of the Patriotic Union (UP) political party. Two investigators from the Human Rights Unit of the Fiscalía in charge of investigating the January 2001 Chengue massacre and the financing of paramilitary groups disappeared in 2001 in Sincelejo (Sucre). The Deputy Fiscal, Yolanda Paternina, who was in charge of these investigations was assassinated in Córdoba on 29 August 2001.

191. Agents of the State are even more vulnerable at the local level. Local representatives of the Ombudsman and local government liaison officers (personeros) have frequently been subjected to serious attacks against their lives and integrity. On 15 February 2001, the Special Representative expressed her concern over the killing of Iván Villamizar, former regional ombudsman and former Dean of the university in Cúcuta City (North Santander), on 12 February 2001. Mr. Villamizar had consistently denounced human rights violations in Catatumbo as well as the massacres, reportedly committed by paramilitaries, in La Gabarra and Tibú in 1999. It is reported that because of his work, he had been the object of constant death threats. It must be emphasized that two prosecutors and an investigator of the Fiscalía involved in the investigation of the massacres in La Gabarra and Tibú, were also killed. On 16 February 2001, a press release was issued by the Special Representative on the case of Mr. Villamizar.

192. Personeros are local government officials serving as the most immediate liaison between the Government and the population. They receive complaints from the population regarding human rights abuses and channel these complaints to the relevant authorities. Paramilitaries are reported to have a great influence at the local level on the nomination/appointment of personeros.

193. The Special Representative is of the view that the protection of judges, prosecutors, investigators, witnesses and victims should be considered a priority because this is where the fight against impunity takes place. Without protection victims of human rights violations and potential witnesses are reluctant to denounce violations or file complaints or testify, for fear of reprisals. Lack of protection contributes to the erosion of public confidence in the judicial system.

194. In this regard, complaints were brought to the attention of the Special Representative about the lack of support from the Fiscalía for officials engaged in human rights work and who are extremely vulnerable. According to the information received, the current Fiscal is not responding adequately to the risk faced by judicial officials.

(d) Independence of the judiciary

195. The new Fiscal, Luis Camilo Osorio, was appointed in February 2001 by the Supreme Court on the recommendation of the President of Colombia. Following his nomination, it has been reported that prosecutors investigating violations by the military and paramilitaries have been suspended or have been given other responsibilities and that sensitive cases have been shelved. According to the information received, the Director of the Human Rights Unit of the Fiscalía and the Deputy Fiscal resigned after the Fiscal publicly disagreed with the decision of the Deputy Fiscal in charge of the investigation concerning former army general Rio Alejo del Rio to arrest the general for alleged participation in the creation of paramilitary groups.

196. This case calls into question the autonomy and independence of the investigating prosecutor. The Inter-American Commission on Human Rights, in a press release dated 13 August 2001, expressed serious concern at these events which, "by inhibiting and restraining the task of the Unit, restrict the independence and efficiency of the administration of justice and the battle against impunity in Colombia". The concerns expressed by various sources with regard to the lack of autonomy and independence of the Fiscalía was reinforced when prosecutor Monica Gaitán, who was investigating the Chenge massacre, was forced to leave the Fiscalía after the investigation began to show clear involvement by high public officials in the massacre

197. The Special Representative met with Mr. Osorio, as well as with Alejandro Ramelli Arteaga, the Director of the Human Rights Unit. The Human Rights Unit is responsible for investigating the most serious human rights violations and about 1,100 investigations are in its hands. Mr. Osorio informed her of the decision to decentralize the Human Rights Unit by creating sub-units at the regional level (in Cali, Villavicencio, etc.), which will be under the direct control of Bogotá. This implies that prosecutors will investigate and prosecute cases arising in their respective regions and report directly to the director of the Unit in Bogotá. The Special Representative was informed by another source that this decentralization of the Unit

might increase the vulnerability of the prosecutors as they will have to deal with armed groups who reside in the same cities and regions as they do. It is felt that the risk of intimidation and harassment will very likely increase.

198. During her meeting at the Fiscalía, the Special Representative raised several of her concerns, in particular the issue of impunity and the safety of human rights defenders. Mr. Osorio emphasized that there are 43 investigations being conducted which concern violations of the rights of human rights defenders. In addition, the Special Representative referred to the fact that, according to information provided to her, paramilitaries were responsible for up to 70 per cent of the violations committed against human rights defenders. According to the Fiscal, that figure was wrong and in fact should be attributed to the guerrillas.

199. Finally, the Special Representative would like to express concern at the fact that several high public officials seemed not to have properly understood the Special Representative's mandate or the objectives of her visit. This was particularly reflected in the strong and critical statements they made in reaction to the statement to the press by the Special Representative at the end of her mission in which she questioned the impartiality of the Fiscalía and expressed her concern about the capacity of the Human Rights Unit to investigate violations of human rights with the same independence as the former administration. Certain reactions, which emanated from the ministerial level and which criticized the statements of the Special Representative on the basis of her Pakistani nationality, call into question the capacity of certain officials to understand the mandate.

200. The Special Representative would like to recall that the purpose of the press conference was to give her preliminary conclusions and recommendations concerning the visit. She wishes to stress that all observations regarding the work of the Fiscalía were based on several and credible allegations which were brought to her attention. She carefully verified the facts before drawing those conclusions.

2. National security issues

201. During her visit, the Special Representative was told about amendments to and new laws which would restrict the freedoms of association, assembly and expression. Particular concern was expressed with regard to the Law on Defence and National Security (Law 684/2001) adopted by the Senate and House of Representatives in June 2001 and signed by President Pastrana on 13 August 2001. The Special Representative was informed that this law contains articles which seriously affect the primacy of civilian power over military power. It reportedly gives excessive juridical powers to the executive and imposes a permanent state of emergency on Colombia without legal and constitutional safeguards and subordinating civil authority to military authority. The law allows for the creation of "theatres of operations" (teatros de operaciones), in which military commanders can exert special powers over the population and have authority even over governors and mayors of the areas concerned.

202. The Special Representative is particularly concerned that the law gives the military temporary authority for tasks, which, until now, were reserved for the Fiscalía and the Judicial Police. The police and members of the army can now deprive persons of their liberty and hold

them for an indefinite period of time as long as there is a verbal or written complaint. A police official himself, during a meeting with the Special Representative, expressed opposition to the law for being unconstitutional and depriving the police of certain of their responsibilities.

203. It seems that this law can also facilitate covering up serious human rights violations. For instance, the law imposes strict time limits for the initiation of investigations by the Fiscalía into human rights violations perpetrated by members of the security forces, which would restrict its capacity to investigate human rights violations. If the Fiscalía does not investigate the case within three months (instead of one year, as is currently the case), the case will have to be closed. In this regard, concern had already been expressed by the High Commissioner for Human Rights that the implementation of this law could have serious consequences in the fight against links between the security forces and the paramilitary groups which the Government minimizes, ignores or fails to recognize.

204. It was reported that the law violates at least 23 articles of the Colombian Constitution. A formal complaint against the law was submitted to the Constitutional Court at the end of August 2001 by the Ombudsman and the Colombian Commission of Jurists, which urged the Court to declare it unconstitutional. A decision is expected in 2002.

205. At the time the Special Representative was in Colombia, discussions were being held concerning a new anti-terrorist strategy which was about to be adopted by the executive branch. Representatives of civil society mentioned that a draft anti-terrorism bill had been produced by the Ministry of Defence which would seek to grant more powers to the security forces to deal with armed groups, namely the paramilitaries and the guerrillas. The new bill, if promulgated, will permit the security forces to carry out, without judicial control, arrest and search warrants, investigations, interception of communications, etc. When the Special Representative asked government officials about this bill, they all asserted that it did not exist.

3. Freedom of opinion and expression

206. The Special Representative learned with concern that there are severe limitations on the right to freedom of opinion and expression as a consequence of attacks on and killing of members of the media and political activists.

207. The threats against journalists are allegedly received from various factions and also from the State. Despite a worrying level of self-censorship, journalists investigating and publishing reports about human rights and political violence feel particularly vulnerable. According to the information received, about 40 journalists have been killed in the past 10 years; 8 were killed in 2000 and 12 in 2001, mainly by paramilitary forces, and many more received death threats or were kidnapped. On 25 May 2000, Jineth Bedoya Lima, a journalist with the daily El Espectador, was reportedly abducted by paramilitary gunmen while inside La Modelo, Bogotá's maximum security prison. Ms. Bedoya was allegedly taken from the lobby in full view of the guards, drugged, bound, gagged and driven to a city three hours away. There she was reportedly beaten, tortured and raped by four men who accused her of being a guerrilla

sympathizer. She was released 12 hours later. It is alleged that during her ordeal, her abductors threatened to kill her and four of her colleagues who also reported on human rights issues. A few days earlier Ms. Bedoya had published an article on murders committed in the prison by detainees belonging to the AUC.

208. Between February and May 2000, Ignacio Gómez, a journalist with El Espectador, received more than 56 threatening letters. After having revealed in an article that a massacre of 29 peasants had been committed by paramilitaries with the support of members of the army, he escaped kidnapping in the streets of Bogotá on 24 May 2000 and took refuge in the United States of America on 1 June 2000. He returned to his country a year later.

209. According to the information received, the year 2001 saw an increase of 50 per cent in the number of homicides and of almost 100 per cent in the number of threats, compared to 2000. The number of journalists killed in violent attacks rose from 6 to 9 and of those receiving threats, from 27 to 51. The AUC is considered to be the main responsible party.

210. Twelve journalists were killed between January and November 2001. In a joint report of Reporters sans frontières and the Instituto Prensa y Sociedad published in 2001,[2] it was stated that 20 journalists had been declared "military targets" or accused of "supporting the guerrillas". "Be careful about what you write because we read what you publish", a correspondent of one of the dailies was warned.

211. On 27 April 2001, Flavio Bedoya, Voz correspondent in Tumaco (Nariño), was reportedly killed by hired killers after publishing an article on 4 April denouncing violent acts by the paramilitaries. He had also been working for a local publication, El Faro, which had denounced corruption. It is alleged that paramilitaries were responsible for the killing.

212. It should be emphasized that decree No. 1592 of 18 August 2000 created the Programme for the Protection of Journalists, which is run by the Committee for the Evaluation and Management of Risks under the Ministry of the Interior. This Committee helps journalists at high risk to be moved in less than 24 hours. According to this programme, the main source of threats is the AUC, followed by local authorities, the security forces and, finally, the guerrillas.

213. Information has also been brought to the Special Representative's attention indicating that the media are being used and manipulated to undermine the work of NGOs. Newspapers such as El Mundo in Medellín and El Meridiano in Córdoba were specifically identified as having accused indigenous people of being members of the guerrilla. The Special Representative was informed that an article had been published in the weekly La Semana defaming the members of the Justice and Peace Commission who work with the displaced communities in Urabá. It has been reported that these accusations were made using language that could easily be identified as that used by military intelligence.

214. According to the journalists themselves, public opinion in Colombia is not well informed about the conflict and is the first victim of the lack of independence of the media, who are even formally asked not to report on human rights violations committed by paramilitaries because of alleged links between some media owners and those groups.

215. Furthermore, the Special Representative's attention was drawn to the fact that killings and threats also affect leaders of all political sectors, in particular the Patriotic Union and the Communist Party, who have been persecuted and massacred over the years. Both parties are constantly subjected to violent attacks from the military forces, paramilitaries and the guerrillas. It was alleged that more than 4,000 UP members have been killed since 1997. It has further been reported that between February and November 2001, at least 26 members of UP were executed, 45 were threatened, 5 exiled and more than 250 displaced. It was alleged that over the past 22 years, UP and PC offices have been shut down in all the municipalities of Magdalena Medio, finally closing in Barrancabermeja in 2001.

216. The initiative of the Government to create the Comprehensive Programme of Special Protection for Leaders, Members and Survivors of the Patriotic Union and the Colombian Communist Party (June 2000) has reportedly proven ineffective, given that more than 2,500 of the parties' members and sympathizers have been killed.

217. The Special Representative was told that the human rights situation tends to deteriorate during transitional periods, especially during election campaigns and while new administrations define their policy priorities. Therefore, the Special Representative sought to meet with the main presidential candidates (Horacio Serpa Uribe, Noemi Sanín, Álvaro Uribe Vélez and Luis Eduardo Garzón). Owing to heavy schedules, only Mr. Garzón was able to meet with the Special Representative and she takes this opportunity to thank him for his availability.

218. The Special Representative was informed that there is no real opposition in Colombia and that two presidential candidates have been assassinated in the past. The recent abduction by the guerrillas of presidential candidate Ingrid Betancourt contributes to an environment of fear.

219. Since political activists and human rights defenders are usually particularly vulnerable during elections, the Special Representative is concerned about the upcoming presidential and parliamentary elections in 2002. She calls on the Government to ensure a maximum level of protection to human rights defenders and not to tolerate any public attacks against them which could lead to the violation of their right to life.

C. Major sources of violence committed against human rights defenders

220. The Special Representative will focus on the two main sources of violence against human rights defenders, i.e. the State (which includes the paramilitaries) and the guerrillas, keeping in mind that violations are also committed by other State officials and civil servants, in particular through the violation of Presidential Directive 07 (see paras. 267 ff).

1. Responsibility of the State

221. The Special Representative considers it important to recall that there are diverse manifestations of the State's responsibility for human rights violations and breaches of international humanitarian law. As mentioned by the High Commissioner for Human Rights in her 2002 report on the human rights situation in Colombia (E/CN.4/2002/17), the responsibility of the State defines itself by direct actions or omissions committed by public servants, but also

by private individuals or groups at the instigation or with the consent or acquiescence of the authorities. These actions or omissions are related to the State's obligation to protect, prevent and pass relevant internal legislation to punish those responsible and to award compensation to the victims, as well as to abstain from passing legislation that is contrary to international laws. In this section, the Special Representative will focus on the responsibility of the State vis-à-vis the actions or omissions of the police, the security forces and paramilitary groups.

(a) Responsibility of the police

222. During her visit to Colombia, the Special Representative was provided with various reports of violations of human rights for which the State was responsible. A certain number of cases of violations of the right to life and the right to physical integrity can be attributed to the police, who, for instance, caused deaths by means of excessive force or negligence. The Special Representative learned of incidents during student demonstrations at the University of Valle, the University of Nariño and the National University where a medical student was killed. It was also reported that in the Department of Atlántico, peaceful demonstrators who were protesting social inequalities were physically and verbally abused by the police commander of the Department; 32 protesters were allegedly arrested and later indicted.

223. It was also reported that on 28 July 1999, the police violently disrupted a demonstration by State employees in Valle del Cauca. Robinson Masso and Luis Hernández, union leaders and members of trade union SINTRAEMCALI, a union of the public municipal service company EMCALI E.I.C.E., were both severely beaten by the police; several other union members were beaten and detained without being offered medical treatment.

224. It should be stressed that the police are also implicated in the compiling of intelligence files (see paras. 264ff), telephone tapping of NGO offices in Medellín (see para. 82), as well as violent attacks against human rights defenders such as Wilson Borja and Aury Sará Marrugo (see paras. 111 and 112). Nevertheless, the Special Representative would like to stress that she had a good meeting with Colonel Novoa, the Coordinator of the Human Rights Office of the National Police in Bogotá who seemed to be willing to improve the situation of human rights defenders. Among other issues, Colonel Novoa pointed out that human rights defenders have to give prompt notice of the threats they receive, which is not always done, and that they take very great risks in travelling in regions with very bad security conditions. Colonel Novoa also said that policemen had been punished with dismissal, forced to make a public apology, or even imprisoned for attacking human rights defenders. In this regard, the Special Representative welcomes the fact that a disciplinary code, which includes the police, has been established.

225. The Special Representative also met with Colonel José Villar Hernández, police commander of Barrancabermeja, who emphasized the increased presence of the police and the army as a consequence of the violence in the region. He asserted however that there had been no allegations of human rights violations committed by the police in Barrancabermeja during 2001.

226. During the various meetings she had with the police forces, the Special Representative was told that paramilitaries were infiltrating the police and constantly approaching police officers to seek their collaboration.

(b) Responsibility of the military

227. The military was accused of the most serious violations, including extrajudicial executions and intimidation against NGOs.

228. For example, it has been alleged that the 18th Brigade in Arauca and often the 16th Brigade in Casanare coordinate their actions with paramilitaries. Several cases of failure to act by security forces were reported in those regions. The Special Representative was also told that the army often tries to limit the access of NGOs to the media so that they cannot report on human rights violations.

229. The Commander of the 4th Brigade in Medellín met with the Special Representative. He confirmed that the conflict had intensified and that the police were overwhelmed. He thus justified the increasing involvement of the military in activities which had been the exclusive responsibility of the police, including arresting drug traffickers. He acknowledged concerns about violence committed by the army, but asserted that they were decreasing and that there were no cases of collusion with paramilitary groups.

(c) Responsibility of the paramilitaries

230. The vast majority of reports of human rights violations committed against civilians, and in particular human rights defenders, cite the paramilitary forces with the direct or indirect implication of the State through the public security forces. According to the Ministry of Defence, they are responsible for 76 per cent of all massacres committed between January and October 2000 (E/CN.4/2001/15, para. 88). As reiterated by the High Commissioner in her various reports on Colombia, the simple fact that the State is responsible for the existence, maintenance and spread of paramilitarism implies its responsibility for human rights violations committed by paramilitary groups.

231. Two decrees, issued in 1965 and 1968 respectively, authorized the executive branch to create paramilitary patrols and allowed the Ministry of Defence to supply them with weapons used exclusively by the armed forces. The military forces were in charge of promoting, selecting, organizing, training, arming and providing logistical support to those groups in the framework of support to the security forces in their struggle against the guerrillas. In 1989 the so-called self-defence groups were declared unconstitutional. However, in February 1994 President César Gaviria issued Decree 356 authorizing civilians to form "rural security cooperatives" (CONVIVIR) and to use weapons with a government permit. Those groups have yet to be dismantled.

232. The majority of paramilitary groups identify themselves publicly and collectively as the United Self-Defence Groups of Colombia (Autodefensas Unidas de Colombia - AUC). They maintain a presence in 40 per cent of the country and have some 8,000 members, representing an 81 per cent increase over the last two years. The Special Representative is alarmed by the consolidation and spread of paramilitarism over the past two years and its growing operational capacity, which continue unchallenged by the Government.

233. The strategy of paramilitaries has changed in recent years: they no longer perpetrate massacres, but rather commit selective killings of leaders defending their (peasant and indigenous) communities, including human rights defenders. By silencing these persons, paramilitaries seek to eradicate all critical opinion in the country. The AUC increasingly accuse NGOs of being pro-guerrilla and even designate them publicly as "military targets". In January 1999, it announced, through press releases, that in retaliation for group kidnappings by the guerrillas, it would abduct members of NGOs, trade unionists, social researchers and other persons who they considered to be agents of the insurgency.

234. In addition, there is significant evidence establishing a connection between paramilitary groups and illegal drug trafficking. According to the Mayor of Medellín, paramilitaries and the guerrillas are fighting to control the drug traffic. Hired gangs in Medellín collaborate with one or the other faction. In Antioquia, 8,000 killings took place in 2001 alone, one third of the total number of murders in the whole country.

235. The very fact that most serious human rights violations are committed by paramilitary groups should lead the Government to make combating them effectively a priority. On the contrary, however, the Special Representative has received clear indications of direct links between the paramilitaries and the State, in particular army officials and public servants. Disciplinary and judicial investigations have revealed collusion between members of the security forces and paramilitary groups.

236. According to the Minister for Foreign Affairs, who met with the Special Representative, the Government would not tolerate any link between the armed forces and the paramilitaries. The Vice-President and Minister of Defence, with whom the Special Representative discussed this question, asserted that any member of the army found to have links with the paramilitaries would be discharged.

237. In cases reported to the Special Representative, however, the police and the military are accused of overt collusion, by failing to intervene to prevent or protect civilians from massacres or killings, despite having received advance notice of the planned actions. It is alleged that the authorities regularly receive reliable and detailed information about the precise location of permanent paramilitary bases and checkpoints, which are often within walking distance of army camps, yet fail to act against them. Such a situation was said to prevail in Barrancabermeja and paramilitary organizations allegedly operate freely in heavily militarized zones in Urabà (Antioquia). The Chengue and Buga massacres were cited as examples of the military failing to act and even, in the former case, of being directly involved.

238. During a meeting with the police in Bogotá, the Special Representative was told that a policeman had been sentenced to 17 years in prison for failing to take action to prevent a massacre of about 40 people in Segovia (Antioquia). The police emphasized that they require clearance/authorization from the military if they wished to act in a military-controlled area. The Fiscal also told the Special Representative that the week before her visit, a massacre had taken place in Villipan and that because the security forces had known in advance of the attack and had done nothing to protect the civilians, the commanding general had been dismissed and the circumstances were being investigated.

239. The Special Representative notes that attacks by paramilitaries that take place despite the presence and prior knowledge of the police or the army contribute to an atmosphere of terror within the population. If it should be determined on a case-by-case basis that the failure to act was deliberate or if there was an intention to allow the crime to be committed, the incident should be investigated and appropriate sanctions should be applied.

2. Responsibility of the guerrillas

240. The Special Representative cannot ignore the fact that violations of the rights of human rights defenders are also committed by the guerrillas, to whom international humanitarian law also applies. The Special Representative has been informed that armed opposition guerrillas are considered responsible for 20 per cent of the killing of civilians.

241. The main armed insurgent groups (guerrillas) that oppose the State are the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), the National Liberation Army (Unión Camilista-Ejército de Liberación Nacional, UC-ELN) and the People's Liberation Army (Ejército Popular de Liberación, EPL). The FARC, established in 1964, is the largest rebel group (approximately 16,000 members). The ELN, an insurgent group formed in 1965 (approximately 4,000 members), operates mostly in the mountainous areas of north, north-eastern and south-western Colombia.

242. A demilitarized zone was established in the southern part of Colombia and handed over to the guerrillas while peace negotiations were under way. The Special Representative has been informed that there is almost no State presence in this zone and that human rights violations such as murders, arbitrary arrests and detentions are taking place. She was also told by several interlocutors that the rights of the people were better respected inside the zone and that most of the killings took place outside it. The Special Representative was further informed that there is a particularly high level of violence in the regions at the edge of the demilitarized zone. Since the Special Representative was not able to travel to the demilitarized zone, she cannot properly report on the human rights situation there.

243. The Special Representative was informed that between January and October 2000, according to reports from the Ministry of Defence, 164 of 671 recorded victims of massacres died at the hands of the guerrillas (E/CN.4/2001/15, para. 89). Indigenous and Afro-Colombian communities and their leaders are particularly targeted by the guerrillas. Massacres were perpetrated by the FARC in the indigenous reserve of Limonar (Guainía) on 10 February 2000 and the Aberadó reserve near Urabá (Antioquia) on 1 August 2000. The FARC allegedly threatens leaders who speak out against guerrillas in local and international forums. They also forcibly recruit minors from these communities. Darío Suárez Meneses, President of the Solidarity and Justice Foundation for the Victims and Those Displaced by Violence (Fundación Solidaridad y Justicia de las Víctimas y Desplazados por la Violencia), was allegedly killed by the FARC on 11 May in Neiva (Huila).

244. In some of the cases brought to the attention of the Special Representative, human rights defenders were killed by the guerrillas for accepting money from the Government. For example, in October 2000, two indigenous leaders were killed by the FARC in the Department of Caquetá simply because they had received funds from the Government's Empresa Colombia project.

245. The guerrillas are mainly responsible for hostage-taking of human rights defenders, as a means of financing their activities. Many of the kidnappings carried out by the guerrillas have as their purpose the extortion of a ransom payment.

246. During her visit, the Special Representive learned with concern that on 24 September 2001 the FARC kidnapped near Valledupar the former Minister of Culture and wife of the Procurator General of the Nation, Consuelo Araújo Noguera, along with 30 others. On 29 September, the army found Mrs. Araújo Noguera's lifeless body.

247. The Special Representative deplores abduction, by the guerrillas. At the time of the drafting of this report, the FARC had kidnapped a presidential candidate, Ingrid Betancourt, as well as Senator Jorge Eduardo Gechem Turbay. Mr. Turbay was the victim of a highjacking and kidnapped on 20 February 2001 while he was traveling by plane between Florencia and Bogotá.

D. Progress and difficulties in the implementation of State policy towards human rights defenders

248. The response of the Colombian State to the grave situation faced by human rights defenders has shown some improvement in recent years, but has nonetheless not always been adequate.

(a) Positive steps taken by the Government

249. The Special Representative notes that several institutions and State offices dedicated to the promotion and protection of human rights exist in Colombia. The majority of them are engaged in a serious and continuous effort to improve the human rights situation in the country. Institutions or programmes such as the protection programme of the Ministry of the Interior have proven to be preventive in several cases. As mentioned in paragraph 39 of this report, the functioning of this programme, created in 1997, depends upon the Committee for the Assessment and Management of Risks which will determine the risk level with the assistance of the DAS and will decide what type of protection is needed. This programme is divided into three branches: one deals with the protection of NGOs and social and indigenous leaders, the second with threats against journalists, and the third with protection of political activists. Hard protection (escorts, bullet-proof vests) and soft protection measures (provision of mobile phones and radio communication equipment) are being made available to the human rights defenders at risk.

250. During her visit, the Special Representative met with Armando Estrada Villa, Minister of the Interior, and Raphael Bustamante, the Director of the Human Rights Unit and the protection programme. They informed her that US$ 2 million had been spent for the programme in 1999 and US$ 8 million in 2001. One thousand five hundred individuals, among them 100 trade unionists, benefit at the moment from the hard protection measures and 85 premises are also being provided to human rights defenders. Other protection measures are made available for those who are in grave danger, such as tickets to leave the country. Mr. Bustamante pointed out that all these measures, which are very expensive, are still not sufficient to respond to the requests. Between 2000 and 2001 there was a 100 per cent increase in the number of requests.

251. The Special Representative recognizes that there is a genuine willingness on the part of the director of the programme to solve the problems. She welcomes the fact that the Ministry of the Interior has made an effort to evaluate the programme, as recommended by the High Commissioner. The Special Representative was informed that the Ministry had created a commission composed of State representatives involved in the programme and the beneficiaries, ILO and OHCHR.

252. In addition to the various sectorial commissions, such as the Inter-Institutional Commission created by the Ministry of Labour to deal with cases of trade unionists and the Human Rights Commission of Indigenous People, there is a Special Committee to Promote the Investigation of Human Rights Violations (Decree 2.429 of 1998), which is chaired by the Vice-President of the Republic. The Special Committee has identified the obstacles and difficulties that affect the carrying out of investigations but has not managed to respond effectively to them by adopting mechanisms and decisions to overcome them. Altogether, there are 17 committees in which NGOs actively participate.

253. The Special Representative considers the creation of the Ombudsman's Office to be a very positive step forward. She noted that very good work has been accomplished by this institution in promoting and protecting human rights in Colombia. The Special Representative learned with concern that the budget of the Ombudsman's Office was reduced by about 40 per cent in 2001 while the work of the Ombudsman increased. This is a clear restriction of the action and impact of this institution.

254. An important development was the adoption by the Government in September 1999 of Presidential Directive 07, entitled "Defending the defenders", which orders all government authorities, including the public security forces, to refrain from questioning the legitimacy of human rights organizations and abstain from making false accusations or acting in a way which would denigrate or could result in the incitement of hostility against human rights defenders.

255. While all these State initiatives are welcome, the Special Representative is concerned that most of them are not effective or not properly implemented.

(b) Difficulties and gaps in the response of the Government

256. The Special Representative notes a general lack of genuine commitment on the part of the Government to protecting the rights and freedoms of human rights defenders. In 1999, the Vice-President submitted a document entitled "Policy on the promotion, guarantee and respect for human rights and the application of international humanitarian law 1998-2002" which identified six priority areas including the protection of human rights defenders and threatened people. However, no concrete steps have been taken or even proposed.

257. The Special Representative regrets the limited contact between the Government and NGOs. President Pastrana met with NGOs on 15 February 1999, but, according to the NGOs and despite three requests sent to him by them later in 1999 and 2001, the President of the

Republic refused to meet the NGOs again. The Special Representative considers that there is a strong need for more cooperation with NGOs to discuss human rights issues and the resolution of the conflict in the country. The Special Representative referred to this when she met with the President in Bogotá. The Special Representative is convinced that more cooperation will mitigate the radicalization of NGOs and increase their confidence in government and State policy.

258. Impact of Governmental institutions. The Special Representative is concerned at the lack of effectiveness of most of the institutions or mechanisms created by the Government, which have failed to achieve satisfactory results. According to OHCHR Bogotá, which participates as an observer in several of them, the majority of the committees have met on a few occasions and have confined themselves to analysing problems without taking any strong, concrete actions to solve them. In addition, institutions of this nature need the necessary support, both from the Government and from civil society, so that they may carry out their work more effectively.

259. While it has been recognized that the protection programme of the Ministry of the Interior has improved, beneficiaries still complain of deficiencies. The Special Representative was told that the scarcity of resources which characterized the programme, especially for the provision of bodyguards, has diminished and that the Ministry has sponsored some regional meetings to reduce tensions between the authorities and NGOs. However, many actual and potential beneficiaries pointed out the persistent administrative problems and bureaucratic difficulties, in particular delays in transferring and using the funds allocated to the programme. This seems to affect in particular the implementation of hard security measures such as hiring of bodyguards and acquiring armoured cars and weapons, as well as reinforcing office premises. For instance, the Special Representative learned with great concern that people who were classified after a risk evaluation as being at high risk have been attacked because they did not have adequate protection. There are also delays in the implementation of the programme: when protection is requested, it sometimes takes one year for the first measures to be implemented.

260. The Special Representative is concerned that several beneficiaries of the protection programme lost their lives while waiting for the Committee to review their case. Valmore Locarno and Victor Hugo Orcasita, President and Vice-President of the SINTRAMINERGETICA union, were among those killed, executed in March 2000 in Cesar. The DAS study of both victims had concluded that they faced a "medium-low" risk.

261. In this regard, it has been reported to the Special Representative that there are deficiencies and discrepancies in the risk-assessment studies, which are the responsibility of DAS. This seems to be due mainly to the absence of uniform criteria (variations between DAS agents in different localities) and the limited knowledge of DAS of the beneficiary population. In addition, DAS, which receives funds from the programme to execute hard protection measures, has failed to submit financial reports regarding the administration of these funds.

262. Finally, the Special Representative felt that there is a certain mistrust on the part of the beneficiaries vis-à-vis the programme. Defenders, who are already frustrated by the lack of serious investigations by the authorities of human rights violations, sometimes reject State protection. Some NGOs also refuse to take advantage of the protection programme because they

thereby become a target. The Special Representative considers that the provision of protection in its present form might indeed expose some of the beneficiaries by making them more visible. This is the case particularly when the threats come from officials of the public forces and the threatened persons can then easily be identified as they are protected by the same groups that are threatening them. In this regard, the Special Representative understands that some human rights defenders are reluctant to provide detailed personal information to DAS members who need it to conduct the risk evaluation.

263. Finally, the Special Representative would like to endorse the comment made by almost all human rights defenders that the institutions created by the Government for human rights and the protection programme will never achieve their objective of protecting human rights defenders if the perpetrators of the crimes are not punished. According to them, the impunity prevailing in the country is the main failure of the Colombian Government and the principal cause of threats and attacks against human rights defenders in the country.

264. Intelligence files. This leads the Special Representative to raise the important issue of intelligence files on human rights defenders, which contain personal details regarding their private lives and movements. It has been alleged that in Atlántico, for example, there is a particular and suspicious coincidence between the names of the persons who appear in the intelligence reports prepared by the intelligence services and the victims of extrajudicial executions, threats and disappearances in Barranquilla and elsewhere in Atlántico.

265. The Special Representative wishes to recall that the former President of Colombia, Ernesto Samper, made a commitment to review these intelligence files on the occasion of the visit of the High Commissioner in 2000. The Procurator General's Office later made a commitment to undertake a periodic review of military and police files with the aim of determining whether they contained mistaken or biased information about human rights defenders. When the Special Representative met with the Procurator General, she reminded him of the commitment made by his predecessor.

266. The Special Representative is especially concerned about the existence of these files because, according to information provided to her, there are clear parallels between the information collected by military intelligence regarding human rights defenders and the information that appears in public threats issued by paramilitary forces. The Special Representative is also concerned at the way this intelligence information is gathered. She has been informed that members of the security forces obtain financial and other private documents without proper authorization. They also tap telephone lines without judicial orders. These files should be made accessible to the individuals concerned in accordance with article 15 of the Constitution, which provides that all persons "have the right to access, update and collect information about them which has been gathered in the data banks and archives of public and private entities". The review of these intelligence files is therefore of utmost importance in determining which files should be released. The Special Representative considers that a thorough review of these files to ensure the rectification or suppression of information irrelevant to national security is inherent in a strategy to prevent violations against human rights defenders. In this regard, the High Commissioner pointed out in her last report the lack of efficient

preventive policies in Colombia. The Special Representative considers it important for the Government to reduce suspicions about human rights work and to share more information with civil society, including in relation to the peace process. The more transparency there is, the more confidence on the part of civil society there will be.

267. Implementation of Presidential Directive 07. Another weakness in the response of the Government is the lack of implementation of Presidential Directive 07. During her visit, the Special Representative was provided with information regarding statements by public officials and the military that publicly assimilated human rights defenders to terrorists and characterized their work as subversive. The Special Representative had already been informed of such statements and raised the issue with the Government on several occasions. On 26 September 2001, she had transmitted an urgent appeal together with the Special Rapporteur on extrajudicial, summary or arbitrary executions with regard to death threats received on 7 September by Hernando Montoya, leader of the SINTRAMUNICIPIO Union in Cartago (Valle). According to the information received, the mayor of Cartago had verbally threatened Mr. Montoya on several occasions thereby contributing to the risk to his safety. In addition, the Special Representative sent an urgent appeal on 4 January 2001 regarding a press release issued on 26 July 2000 by the Commander of the Colombian Army attacking Gustavo Gallón Giraldo, Director of the Colombian Commission of Jurists. Mr. Gallón did not obtain any rectification of the accusations made against him.

268. Such negligent statements, for example questioning the integrity of some indigenous communities, were also made by regional authorities. In this regard, the Special Representative learned with concern that the killing on 25 June 2001 of indigenous leader Alirio Pedro Domicó Domicó, Head of the Embera indigenous group in the Department of Córdoba, occurred two days after the Córdoba Secretary of Government declared to the press that Mr. Domicó was involved in the massacre of 24 peasants allegedly committed by the FARC in Tierralta (Córdoba) at the end of May.

269. The Special Representative considers that through their public statements, some high-level officials not only have shown a lack of commitment to the work and protection of human rights defenders, but have also contributed directly to creating a climate conducive to the making of threats. That no rectification is made and no disciplinary measures are being taken in accordance with Presidential Directive 07 also contribute to the hostility against the work of human rights defenders.

270. The Special Representative raised the lack of implementation of Presidential Directive 07 with several high-level Colombian officials. The Procurator General made a commitment, in the presence of the Special Representative, to try to interpret this directive strictly.

271. Plan Colombia. The Special Representative notes that certain global policies adopted by the Government have been rejected by a large part of civil society in the country. This is particularly the case of Plan Colombia ,which was very often criticized by the human rights defenders with whom the Special Representative spoke.

272. The Plan, which was presented by the Colombian Government to the international community in July 2000, is centred around three main aspects: security, the economy/development, and democracy/respect for human rights. Despite having three dimensions, the Special Representative was told that the emphasis has been mostly on security issues, setting aside concerns for social development and human rights: 70 per cent of bilateral aid from the United States of America allocated for the implementation of Plan Colombia is purely military aid. Human rights and humanitarian organizations therefore consider that the Plan aims at modernizing and strengthening the State security forces. Since there is a close link between the paramilitary groups and the Colombian army, there is a risk that the military aid benefits these groups, directly or indirectly. The fear has even been expressed that the increase in military spending and operations could lead to further human rights violations and an intensification of the violence. In addition, the Plan, by focusing on the fight against drug trafficking, remains silent on the issue of impunity and the responsibility of paramilitary groups in violations of human rights.

273. It had been further alleged that the implementation of the Plan, and particularly measures foreseen to eradicate the culture of illicit crops, have widespread implications for already affected communities such as indigenous people, Afro-Colombians and peasants. The spraying with herbicides of illicit crops have disastrous side effects on the populations living in the area, raising the number of internally displaced persons and migrations because of the destruction of food crops, the contamination of food and health problems. This was particularly pointed out to the Special Representative by the Cauca and Nariño delegations, as well as those from Northern Santander and Putumayo. In Valle del Cauca, for instance, paramilitary groups reportedly arrived as soon as Plan Colombia was implemented. As a consequence, the army and police presence increased (about 5,000 soldiers) and the region looks like it is under a state of siege. Human rights violations have also considerably increased in this region since the implementation of Plan Colombia.

274. Many NGOs complained to the Special Representative that Plan Colombia had been formulated without consulting civil society. Threats against human rights defenders seem also to be linked to Plan Colombia. It has been reported that NGOs working from Bogotá on regions affected by the expansion of paramilitary activities and the implementation of Plan Colombia - like MINGA and Sembrar - have been repeatedly threatened, as have NGOs working with the displaced and peace communities in Uraba, such as the Comisión Intercongregacional de Justicia y Paz.

275. Plan Colombia is also very much criticized in the Magdalena Medio region where, according to some NGOs, it has increased the risks faced by human rights defenders and has deepened the human rights crisis. Military operations which are financed by Plan Colombia exclusively target the guerrillas and not the paramilitaries, who now operate publicly in more than 40 municipalities in the Magdalena Medio region.

276. In addition, NGOs and journalists clearly stated to the Special Representative that they do not wish to take advantage of the protection programme of the Ministry of the Interior since it is financed by Plan Colombia. Indeed, the Special Representative has been informed that some US$ 119 million have been allocated for the protection programme from Plan Colombia.

III. CONCLUDING OBSERVATIONS

277. The Special Representative welcomes the efforts made by the Government in having instituted a peace process in Colombia. She encourages the Government to continue along that path and hopes that it will overcome the obstacles and find a way back to the peace process with the guerrilla groups.

278. The Special Representative recognizes that Colombia has adhered to most of the international human rights conventions and has adopted progressive legislation, and has created through such legislation machinery designed to ensure its implementation. Yet, despite the determination to promote and protect human rights, which is also reflected in official statements, there still exists a gap between the intent and the reality. In this regard, the Special Representative regrets that there is a lack of genuine commitment by the Government to deal seriously with the level of violence being directed against human rights defenders. There is very limited follow-up, continuity and vigour regarding the implementation of recommendations of relevant mechanisms such as the Office of the High Commissioner for Human Rights and the High Commissioner herself, the Inter-American Commission on Human Rights, the International Labour Organization and the relevant thematic mechanisms established by the Commission on Human Rights, as well as the United Nations treaty bodies.

279. The Special Representative acknowledges the efforts made by the Government to create specific programmes and institutions to mitigate the impact of violations committed against human rights defenders. She recognizes that these institutions, in particular the Office of the Ombudsman, play a vital role in the area of human rights and could contribute towards the resolution of the country's human rights crisis. However, the limited coordination and consistency of State policy to defend human rights - and in particular human rights defenders - and the lack of effectiveness of certain of the institutions did not meet the expectations raised.

280. The Special Representative is deeply concerned about the climate of impunity that surrounds human rights violations in Colombia. She considers that impunity contributes significantly to the perpetuation of violence and in particular to the violations of the rights of human rights defenders. The State is legally responsible both for the attacks carried out directly by Colombian armed forces and for those committed by paramilitary organizations, to which State support, acquiescence or connivance have been contributory factors. The existence of links between the official army and/or civil servants and paramilitaries and the absence of sanctions for violations is a matter of great concern.

281. The Special Representative notes the absence of an effective prevention policy. Such a policy should be based on investigatory and punitive powers that can prevent the perpetrators of violations from acting with impunity, and must be accompanied by a reinforcement of the administration of justice system as an independent, impartial and reliable institution. It is crucial for the Colombian State to restore public faith in the judicial system and to put an end to impunity in the country.

282. Although recognized by the Constitution, freedom of association in Colombia lacks a proper legal framework that would ensure its full and effective exercise in accordance with international instruments. With regard to the use of laws to protect the security and integrity of

the State, the Special Representative is compelled to conclude, like the High Commissioner for Human Rights, that the new law on national security is not in accordance with international standards. Several provisions of this law fail to offer adequate protection to the civilian population, and in particular to human rights defenders, as provided for by applicable international human rights law.

283. The Special Representative expresses her great distress with respect to the conditions in which human rights defenders carry out their important work. The climate of intimidation and insecurity that prevails in the country affects the free performance of their activities and exposes them to threats and harassment. She notes a pattern of serious abuses of human rights defenders, including threats, disappearances, killings and forced displacements.

284. She strongly condemns the serious violations committed against human rights defenders whose fundamental rights, including the right to life and physical integrity, are violated daily. In this regard, the Special Representative is deeply concerned that there exists among armed groups, particularly paramilitary groups, a strategy of silencing human rights defenders through deliberate killings, death threats, intimidation and forced displacement. She is concerned at the fact that paramilitary groups have declared human rights defenders to be "military targets".

285. While the Special Representative noted that the main perpetrators of violations of the rights of human rights defenders are the paramilitary groups, she also deplores the serious violations of international humanitarian law perpetrated by the guerrillas against the civilian population and human rights defenders.

286. The Special Representative notes that all sectors of society are affected by violence, including State officials working on human rights issues. Certain groups are still more frequently targeted than others, among them trade unionists, ethnic minorities, internally displaced persons and women. The Special Representative is extremely concerned for the safety of trade unionists and indigenous leaders in the light of the scale of the violent attacks against them.

287. As stated above, the Special Representative deplores the fact that the State has not fully assumed its obligation to protect the life and integrity of human rights defenders throughout the country and, despite the efforts of the protection programme, the State is largely ineffective in preventing attacks and protecting them. In particular, there is an alarming tendency among State and army officials to violate Presidential Directive 07 by using harmful and irresponsible rhetoric against human rights defenders, often accusing them of collaborating with the guerrillas.

288. The Special Representative is concerned at certain practices used by the police and the army against human rights defenders, in particular the keeping of intelligence files containing false information and the tapping of telephones at NGO offices. The Special Representative is convinced that these measures, and the failure to carry out exhaustive investigations, increase the vulnerability of human rights defenders. In this regard, the Special Representative notes with concern that some of the information collected during intelligence operations is being used by the State to initiate legal action against human rights defenders including for the "crime of rebellion" under the Criminal Code.

289. Freedom of opinion and expression in Colombia has been hindered by the armed conflict. The Special Representative denounces the human rights violations - in particular killings, threats and forced displacements - committed against media representatives, members of political organizations and university professors and students. In this regard, the Special Representative regrets the limited access of civil society to the media. She emphasizes that the most important functions of the media - to inform, investigate, expose abuse and educate - are of crucial importance in a society.

290. The Special Representative regrets the lack of cooperation between the Government with NGOs, which is directly linked to the lack of confidence of NGOs in the State machinery. A democratic State can endure only with a strong civil society, and it is the responsibility of the Colombian State to protect, promote and strengthen its civil society.

291. Finally, the Special Representative would like to pay tribute to the great courage of Colombian human rights defenders who continue their work in spite of the constant risks to their own lives and physical integrity and those of their families. She stresses that human rights defenders play a crucial and productive role in society in times of conflict as well as in times of peace. She notes with appreciation the objective and extremely positive work carried out by Colombian NGOs and human rights defenders. She was impressed by their professionalism and impartiality, which are particularly difficult in such a context.

IV. RECOMMENDATIONS

292. On the basis of the principal observations and concerns set out in the previous section, the Special Representative would like to offer the following recommendations to the Government for its consideration. In view of the open and constructive exchanges of views that took place during her visit, the Special Representative is convinced that these recommendations will be received in a spirit of shared commitment to strengthening the promotion and protection of the fundamental rights of human rights defenders.

293. First of all, the Special Representative would like to emphasize that peace is the most favourable circumstance for improving human rights in Colombia. She therefore urges all the parties to the armed conflict seriously to seek and negotiate a peaceful solution.

294. In this regard, the Special Representative believes that the international community should support the Government's efforts to promote and protect human rights in the country and to translate its expressed political will into practice.

295. It is necessary for the Government to adopt, as a matter of priority, a comprehensive policy on human rights and international human rights law and to take into account the recommendations of various international entities, in particular the Office of the High Commissioner for Human Rights, the High Commissioner for Human Rights herself, the Inter-American Commission on Human Rights, the Special Representative of the Director-General of the International Labour Organization, as well as of the United Nations treaty monitoring bodies and the thematic mechanisms of the Commission on Human Rights. In this regard, the Special Representative urges the Government to continue its cooperation with the OHCHR in Bogotá in designing a comprehensive agreement on human rights and international

humanitarian law with the objective of consolidating the parties' commitment to their obligations to respect international and humanitarian law. Such a comprehensive agreement, which was reiterated in 2001 in the Statement by the Chairman of the Commission on Human Rights, by the High Commissioner and by the Secretary-General himself, should include special protective measures for human rights defenders.

296. The Special Representative urges the Government to combat impunity by undertaking thorough and independent criminal investigations of human rights violations. She strongly urges the Government to take adequate and immediate measures to put an end to the violence perpetrated against human rights defenders. The parties responsible, by commission or omission, for violations of the rights of human rights defenders should be tried by the ordinary justice system and punished. Appropriate compensation to the victims should be awarded. The fight against impunity should also imply the strengthening of judicial institutions by guaranteeing the competence, efficiency, security and independence of all institutions and persons in charge of investigation, prosecution and judicial examination of complaints of human rights violations. Particular attention should be drawn to the Attorney-General's Office (Fiscalía), and particularly its Human Rights Unit, which should respect the principles of independence and impartiality. In this connection, the Special Representative wishes to recall the recommendations of the Special Rapporteur on the independence of judges and lawyers following his mission to Colombia (see E/CN.4/1998/39/Add.2).

297. The Special Representative recommends that the Government guarantee the independence of the judiciary and adopt special measures to strengthen the protection mechanisms for judges, prosecutors, investigators, victims, witnesses and threatened persons. Ruling No. C-358 of 1997 and No. C-361 of 2001 of the Constitutional Court should be fully implemented so that cases involving violations of human rights and humanitarian law no longer be sent to military courts.

298. It is recommended that the Government combat paramilitarism effectively and dismantle paramilitary groups for good by arresting, prosecuting and punishing anyone who encourages, leads, participates in, supports or finances them. In this regard, the Special Representative urges the Government to combat collusion and any involvement of State officials and/or members of the military with paramilitaries.

299. The Special Representative urges the Government to adopt appropriate measures to disseminate and ensure full observance of the Declaration on Human Rights Defenders. The Government should initiate and maintain a constant dialogue with NGOs in order to respond to their concerns and to coordinate measures which would strengthen their protection and their activities. Despite the participation of NGOs in the various human rights committees created by the Government, there is a need for a wider platform. The Special Representative encourages the establishment of a programme of periodic meetings between the Government and human rights defenders with the purpose of hearing their concerns and agreeing on actions and measures to protect them from violations of their rights and to prevent such violations.

300. The Government should further recognize publicly the positive and crucial role played by human rights defenders and NGOs in general in strengthening democracy. The contribution of NGOs to the rule of law should be highlighted. Human rights defenders uphold principles of social justice, equality and freedom - which are essential elements of all social, economic and political aspirations. Those who denigrate their role only weaken the protection that these principles afford to the realization of human rights.

301. In this regard, the Government must not tolerate any attempt by public servants or State authorities to undermine the rights of human rights defenders or stigmatize them. State officials, including of the military, should refrain from making statements suggesting that NGOs and their members act improperly or illegally when they engage in activities for the promotion and protection of human rights. In that context, the Government should ensure effective implementation of Presidential Directive 07, by ensuring that public servants are aware of it, imposing disciplinary sanctions on violators, and insisting on public rectification and apologies to those affected. In this regard, State agents should also refrain from initiating legal proceedings intended to harass human rights defenders. Such actions are arbitrary and constitute abuses of power and the legal process.

302. The Special Representative strongly urges the Government to adopt effective measures to guarantee the life and integrity of all human rights defenders who are threatened as a result of their activities linked to the exercise of fundamental rights and freedoms. In this connection, the Special Representative draws the attention of the Government to the recommendations made jointly by the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions following their visit to Colombia (see E/CN.4/1995/111).

303. The Special Representative recommends that the Government provide an effective response to the issue of enforced disappearance in Colombia, in particular of human rights defenders. She deplores the fact that little progress has been achieved in the clarification of cases of enforced or involuntary disappearance and that few of those responsible for acts of enforced disappearance have ever been brought to trial. The Special Representative urges the Government to implement the recommendations put forward by the Working Group on Enforced or Involuntary Disappearances during its visit to Colombia in 1988 (see E/CN.4/1989/18/Add.1) and would strongly encourage the Working Group to undertake a follow-up visit to Colombia.

304. The Government is strongly encouraged to elaborate and adopt a comprehensive and effective strategy to prevent attacks against human rights defenders; this would give them confidence to continue their work. A more integrated policy with clear directives, as well as better coordination between the various institutions and greater participation of NGOs in the process, would be strongly advisable. For this purpose, adequate funding and more political support should be granted to institutions and programmes such as the Ombudsman's Office and the protection programme of the Ministry of the Interior. The early-warning system has to be reinforced at the local level (police, mayors, personeros, judges, etc.) to guarantee prompt action (protection, prevention, investigation).

305. The Special Representative recommends that substantially increased measures of protection be afforded to the most targeted and vulnerable groups:

(a) The Government should adopt specific and effective measures that can guarantee the right to life and integrity of trade unionists. There is an urgent need to reduce the insecurity in which trade unionists work. The Inter-Institutional Commission and union organizations could be asked to jointly identify the most significant cases of violations committed against trade unionists so that they may be investigated. Full protection should be guaranteed to those who participate in these investigations;

(b) Comprehensive steps should be taken by the authorities to protect the security and promote the well-being of the indigenous and Afro-Colombian communities and, as a matter of extreme priority, to guarantee the security of indigenous and Afro-Colombian community leaders and human rights defenders across the country who have sought to protect the rights of those communities. Special prevention and protection plans for leaders and members of ethnic minorities should be set up by the Ministry of the Interior with the participation of indigenous and Afro-Colombian representatives. The most egregious cases should be identified by the Government together with the minorities concerned, so that they may be investigated. Necessary safeguards for victims and witnesses would be needed. National, departmental and municipal authorities must guarantee indigenous peoples the enjoyment of their fundamental rights, especially freedom of association, assembly and expression;

(c) As far as the internally displaced persons are concerned, the Special Representative urges the Government to respond in an effective manner to the threats against the life and physical integrity of the displaced, their leaders and other persons who work on their behalf. She urges the Government to comply with the recommendations of the Representative of the Secretary-General on internally displaced persons (see E/CN.4/2000/83/Add.1). In particular, the Government is requested to observe the Guiding Principles on Internal Displacement, with special emphasis on the principles relating to protection during displacement, as well as those relating to the right to request and receive humanitarian assistance and on the right to full participation in planning and carrying out the return or the resettlement and re-entry;

(d) The Government should increase its efforts to protect women, especially displaced women, from the effects of armed conflict. The Government should provide greater support and protection for women's NGOs and include women human rights defenders at the peace negotiation table. In this regard, the Special Representative supports the recommendations formulated by the Special Rapporteur on violence against women, its causes and consequences, in the report on her recent visit to Colombia (E/CN.4/2002/83/Add.3).

(e) The Government is urged to pay particular attention to the protection of journalists and media representatives. In addition, the media is urged to give greater support for the work of human rights defenders.

306. The Government should commit itself to reviewing military intelligence files and completing the investigation on phone tapping. The Special Representative also recommends the creation of a mechanism for independent and periodic review of these files so as to prevent further illegitimate practices. She considers it important for the Government to reduce

suspicions about human rights work and to share more information with NGOs, including on issues such as the peace process. The more transparency there is, the more confidence the Government will gain from civil society.

307. Recognizing the progress made in reforming and amending legislation relating to human rights, the Special Representative would nevertheless urge the Government to refrain from adopting laws which can lead to the intensification of harassment of human rights defenders. In the light of certain provisions of the Law on National Security which are clearly not in accordance with international standards, the Special Representative calls on the Government to repeal the Law and refrain from adopting any anti-terrorist legislation which would contribute to further violations of human rights in the country.

308. If the primary responsibility for the guarantee of human rights remains with the State, armed groups (guerrillas) also have to respect human rights norms and international and humanitarian law. Therefore, the Special Representative would urge all parties to the conflict, including the guerrillas, to respect, without exception, the rules of international humanitarian law and the access of the civilian population, in particular human rights defenders, to the due protection and respect of their fundamental rights.

309. The Special Representative calls on the Government to ensure that the electoral process is carried out in a peaceful environment with full respect for different opinions. The Government should guarantee particular protection to human rights defenders in this process.

310. Finally, the Special Representative would like to emphasize the crucial role played by OHCHR in Colombia in the fight against violations of human rights and humanitarian law. In this regard, she welcomes the important work done by the director and the staff of this office and the opening of two regional offices, one in Medellín and one in Cali. She urges the Government to cooperate fully with the OHCHR in Colombia and to make the best use of its assistance.

311. Given the fact that a follow-up mission to Colombia by the Special Representative is unlikely to take place in the near future, the Special Representative strongly encourages OHCHR, particularly through its field office in Colombia, to assist the Government in implementing the above recommendations.

Notes

[1] ILO document GB/281/7/1, p. 5.

[2] "Colombia, the press as a 'military target' - armed groups against press freedom", report on a mission to Colombia, 22 to 30 October 2001.

Annex I

PERSONS WITH WHOM THE SPECIAL REPRESENTATIVE MET DURING HER VISIT

Officials

Mr. Andrés Pastrana Arango, President of Colombia;
Dr. Gustavo Bell Lemus, Vice-President of the Republic of Colombia;
Dr. Guillermo Fernández de Soto, Ministry for Foreign Affairs;
Dr. Rómulo Gonzalez Trujillo, Ministry of Justice and Law;
Dr. Angelino Garzón, Ministry of Labour and Social Security;
Dr. Armando Estrada Villa, Ministry of the Interior;
Mr. Luis Camilo Osorio, Attorney-General of the Nation (Fiscal);
Dr. Edgardo Maya Villazón, Procurator General of the Nation;
Dr. Alfredo Beltrán Sierra, President of the Constitutional Court;
Dr. Fernando Coral Villota, President of the Higher Council of the Judiciary;
Dr. Guillermo Bueno Miranda, President of the Disciplinary Chamber;
Dr. Gustavo Cuello Iriarte, Magistrate of the Administrative Chamber;
Dr. Eduardo Cifuentes, Ombudsman;
Dr. Reinaldo Botero, Director of the Presidential Human Rights Programme;
Dra. Luz Marina Valderrama, Director, Office of Indigenous Affairs, Ministry of the Interior;
Dra. Marcela Bravo Gallo, Director, Office for Afro-Colombian Communities, Ministry of the Interior;
Mr. Rafael Bustamante, Director, Human Rights Programme, Ministry of the Interior, and two advisers, Mr. Germán Sánchez and Ms. Carmen María Lasso Bernal;
Mr. Alejandro Ramelli Arteaga, Director, Human Rights Unit, Attorney-General's Office (Fiscalía);
Dr. Fernando Medellín Lozano, Director, Social Solidarity Network;
Colonel Luis Alfonso Novoa, Coordinator, Human Rights Office, National Police;
Brigadier General Aldemar Bedoya Bedoya, General Inspector, National Police;
Mr. Guillermo Gaviria, Governor, Department of Antioquia;
Dr. Luis Pérez Gutiérrez, Mayor of Medellín;
Dr. Julio Cesar Ardila, Mayor of Barrancabermeja;
Dr. Jorge Alberto Rojas, Personero (local ombudsman) of Medellín;
Representative of the Ombudsman's Office in Antioquia;
Representative of the Ombudsman's Office in Barrancabermeja;
Colonel Guillermo Aranda, Military Force Commander for Antioquia;
Brigadier General José Leonardo Gallego, Metropolitan Police Commander;
Brigadier General Commander of the IV Brigade;
Colonel José Miguel Villar Jimenez, Barrancabermeja Police Commander.

International and regional organizations and diplomatic community

Mr. Anders Kompass, United Nations Resident Coordinator and Director of OHCHR-Colombia
Mr. César Miquel, UNDP Resident Representative;
Mr. René Mauricio Valdés, UNDP Senior Deputy Resident Representative;

Mr. Hans Reitzel, UNDP Coordinator-Barrancabermeja;
Mr. Manuel Manrique, UNICEF Representative for Colombia and Venezuela;
Ms. Mercedes Borrero, UNFPA Assistant Representative;
Mr. Els Kocken, WFP Representative;
Ms. Leila Lima, UNHCR Representative;
Mr. Klaus Nyholm, UNDCP Representative for Colombia and Ecuador;
Mr. Juan Carlos Ramírez, ESCAP-Bogotá Office Director;
Mr. Marcelo Adolfo Castro Fox, ILO Representative for Colombia;
Ms. María José Zimmermann, FAO Representative;
Ms. Nohora Parra, UNESCO Consultant-Adviser;
Mr. Peter Skupch, ONUDI Representative;
Mr. Diego Beltrand, IMO Head of mission;
Ms. Cecilia Strömblad, UNHCR Field Officer, Barrancabermeja;
International Committee of the Red Cross;
Ms. Liliana Garavito, UNIC Information Officer;
Embassies of the United States of America, Canada, the United Kingdom, Sweden, Belgium and Spain.

Non-governmental organizations

National non-governmental organizations

Thematic organizations: Human rights organizations, trade union organizations, internally displaced persons' organizations, peasants' organizations, Afro-Colombian organizations, indigenous organizations, women's organizations, university professors' and teachers' organizations, youth and student organizations, peace initiative organizations, journalists' organizations, humanitarian organizations, judges' and lawyers' organizations, Church representatives, gay and lesbian organizations.

Geographic organizations: Tolima delegation, Atlántico and Bolivar delegations, Santander delegation, Valle delegation, Cauca and Nariño delegations, Putumayo delegations, Meta delegations, Córdoba and Cesar delegations, Arauca and Casanare delegations.

International non-governmental organizations

Oxfam, Peace Brigades International, International Federation of Human Rights Leagues.

Others

Mr. Luis Eduardo Garzón, presidential candidate of the Social and Political Front;
Senator Juan Manuel Ospina, Peace Commission;
Senator Rafael Orduz, Human Rights Commission;
Representatives of political parties;
Representatives of the business sector.

Annex II

Examples of death threats

"Yo soy la resurrección y la Vida"

"Entonces Jesus afirmo:
Yo soy la resurreccion y la Vida. El que cree en mi, aunque haya muerto, vivira; y todo el que este vivo y crea en mi, jamas morira."

Que hermosa es la vida. Ver, oler una bella flor, oir una voz amiga, caminar hacia la casa donde somos esperados... Nos damos cuenta de la gracia de vivir cuando alguien, familiar o relacionado, se nos va o cuando nosotros mismos la sentimos disminuir por la enfermedad o el accidente.

No hay duda que la vida es el mejor regalo que hemos recibido. Por eso nos ponemos tristes cuando alguien de nosotros ha sido privado de la vida.

Al morir una persona, también morimos todos un poco. Es la profunda solidaridad de la naturaleza humana.

HOJAS DE PISTA

MUERTE PRONTO

Para:

con el mas profundo sentido pesame

Con el fin de implorar
por el eterno descanso del alma de
Señora A
Señora B
Señora C
Señora D
le mce inscrita para que participe
de los beneficios espirituales de la
Santa Misa Cotidiana,
que los
Hermanos Menores Capuchinos
celebran diariamente por los benefactores
de la propagación de la fe cristiana.

DE MARGINADOS.

Fecha: "HOY"

Que el Señor te Bendiga.